The Sacred Laws of the Aryas

AS TAUGHT IN THE SCHOOL OF

YAJNAVALKYA

AND EXPLAINED BY

VIJNANESVARA

IN HIS WELL-KNOWN COMMENTARY NAMED

THE MITAKSARA

VOL. III

THE PRAYASCHITTA ADHYAYA

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FOREWORD

THE Prâyaśchitta or Penance is that portion of Hindu Law which is deemed to be of very little importance to the practical lawyer. But a right conception of Hindu Law is not possible without at least a general idea of penances and the theory underlying them. This Volume on Prâyaśchitta not only deals with penances strictly so called, but with Śrâddhas and death-impurity also—a subject which a general lawyer should know, if he wants to understand rightly the Law of Inheritance even.

The Chapter on Penances itself, however, is not altogether devoid of interest to even a practising lawyer. In a case before me recently the dispute turned on the right interpretation of the Verse 226 of YÂJÑAVALKYA; one side maintaining that there was no Prâyaśchitta for an offence knowingly and wilfully committed, and the other side contended that for every offence (whether voluntary or involuntary) there was a befitting penance. The practical form which the question assumed was whether there was any penance for a person who intentionally undertook a sea-voyage and in the course of his sojourn in foreign lands, intentionally took food prepared by non-Hindu foreigners.

According to one reading of the text of YÂJÑAVALKYA—a reading favoured by ŚÛLAPÂṆI—there is no penance for an offence wilfully committed. That verse 226 has been read in two diametrically different ways, one ordaining penance for voluntary offences even, and the other discarding that view.

Though the construction of the verse is ambiguous, the commentary of VIJÑÂNEŚVARA leaves no doubt. He is clearly of opinion that even for wilful offences, there is penance and that the man so purified is *fit for social intercourse*.

In the same case another point of not less importance also arose, the answer to which was discovered after some search in this much neglected Chapter on Penances. The question was what was to be the period of penance for an offence which was committed not once, but was repeated for several years? In other words, what was the penance for eating unlawful food for three years? One side argued that the penance should be repeated for every offence. Thus, the prohibited food being taken twice a day during 365 days of a year for three years the penance would be 2,190 times the penance for a single offence, and if the penance for a single eating was one month's fasting that for three years would be to fast for 2,190 months or nearly 182 years. That this was an absurdity never struck the learned Pandits

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who had taken up that position. It was however found that penances for repetition of an offence were considerably less as shown below :—

"Though the general rule is that the penance must be repeated for each offence, yet LAUGÂKṢI has laid down the following rule (to meet cases of repetition of Upapâtakas) :

अभ्यासेऽहर्गुणा वृद्धिर्मासादर्वाक् विधीयते ।
ततो मासगुणा वृद्धिर्यावत्संवत्सरं भवेत् ॥
ततः संवत्सरगुणा यावत्पापं समाचरेदिति ।

"In the case of the repetition of an offence committed for a period of less than a month, for each day one penance must be added to the penance for the first day. For an offence committed for several months, but less than a year, add to the number of penances for the first month, the number of months over which the offence has been committed ; for an offence committed for several years, add to the number of penances for the first year, the number of years during which the sin has been committed. This is in cases of intentional sins."

VIJÑÂNEŚVARA then gives a similar rule of ŚATÂTAPA, (quoting Chaturviṃśatimata) for unintentional offence. Though this occurs in the section of going to public women, yet it is a rule of universal application, as we learn from BÂLAMBHAṬṬA and other authors. This rule of LAUGÂKṢI is given by Madana Pârijâta at page 923, and by NANDA PANDITA on Parâśara at page 302. Both these authors say that this rule is to be applied to all cases of the repetition of Upapâtakas, where no special rule exists to the contrary. Eating the food of a Chaṇḍâla is an Upapâtaka, as is admitted by all Pandits. There is no special rule, given by any Riṣi, as to the number of penances to be performed in cases of repetition of such eating. The rule of LAUGÂKṢI must, therefore, necessarily apply.

Thus, according to the Mitâkṣara, as explained by Bâlambhaṭṭi, in the case of eating the Chaṇḍâla's food (which is an Upapâtaka only), the number of penances to be performed is to be calculated according to the rule laid down above. Taking the unit that 48 fasts is a penance for a Vaiśya who takes the left off food of a Chaṇḍâla twice daily ; for thirty days, the penance would not be 30 times, 48 fasts (1,440 fasts), but considerably less. For the first day it would be 48 fasts, and for the remaining days it will be 30 × 24, namely (720 fasts). Therefore for one month it will be 768 fasts. For one year it will be 768 *plus* 24 × 11 the number of months or 288, more. In other words, 768 *plus* 288, equal to 1,056 fasts in all. It will not be 17,620. For four years, we must add 4 times 24 or 96 to the above figure, namely, 1050 *plus* 96, equal to 1,152 fasts. 1,157 fasts are equal to 192 Prâjâpatyas for according to one calculation six fasts are equal to one Prâjâpatya and 192 Prâjâpatyas are equal to the gift of 192 cows. A Vaisya, therefore, living in England for four years, and daily taking twice the food there, cooked by the "Mlechchha" will not become a Mahâpâtakî, but a sinner who will have to perform a penance of giving 192 cows.

The following table will show the principle of LAUGÂKṢI. If a man commits an offence, the punishment for which is, say one cow gift, and he repeats it twice the same day, it will be 2 cow gifts :—

One day for a single offence.—1 cow-gift.
One day for a double offence.—2 cow-gifts.
One month.- (2 plus 30 cows) or 32 cow-gifts.
One year.—(32 plus 12) or 44 cow-gifts.
Two years.—(44 plus 2) or 46 cow-gifts.
Three years.—(44 plus 3) or 47 cow-gifts.
Four years.—(44 plus 4) or 48 cow-gifts.
Five years.—(44 plus 5) or 49 cow-gifts.
For six years.—(44 plus 6) or 50 cow-gifts.

Applying the above standard, there will be 50 times 24 fasts or 1,200 fasts for a Vaiśya who intentionally eats the left off food of a Chaṇḍâla for six years. A Vaiśya, therefore, can never become a Mahâpâtakî by remaining in England for four years or more. Four years it will be 48 times 24 or 1,152 fasts or 192 gifts.

Nor is this volume interesting only to the lawyer but to the general public also. It is in this that we find an account of Embryology as known to the ancient Hindus and it is remarkable that their observation was so accurate as we find in it.

Mr. S. N. Naraharayya of Mysore has studied Sanskrit under distinguished Pandits of the Southern India. Well-versed in almost all deparments of Sanskrit learning, he has paid great attention to the Smṛiti literature and especially that of YÂJÑAVALKYA with the different commentaries on it. For reasons explained by him in the preface, he has preferred a very closely literal translation of the original, which I have no doubt will be found useful to those lawyers who care to study the work in Sanskrit.

SRISA CHANDRA VASU.

ALLAHABAD:
15th March 1913.

TRANSLATOR'S PREFACE.

THIS Volume of the Sacred Laws of the Âryas now offered to the public contains an English translation of the Third Book of the Mitâkṣarâ, that is, the portion dealing with the Prâyaśchitta or penance. It is thought by many that the Âchâra ('Rules of Good Conduct') and Prâyaśchitta ('Penance') portions, together with a considerable portion of Vyâvahâra ('Law properly so called'), in any work of Dharmaśâstra are purely of an antiquarian interest, and all that can be derived by a study of such is some knowledge of by-gone institutions of the Âryas. As we propose to deal with this question in another Volume of this series, we reserve our judgment though we may say a word or two for the present. One sole object which the Âryas kept in view was Dharma. Dharma, as the derivation (*dhṛiyate anena iti*) shows, is that which always keeps the universe in an equilibrium of perfection, and that being their settled notion the Âryas never recognized an independent capacity of human beings of an imperfect and ever-changing tendency, to make laws and regulations for the guidance of the society. An injunction was laid down on every individual to observe Dharma, and to inflict punishment on himself whenever there was any swerving from the right path. Legal punishment came on to be inflicted only in default of self-punishment. This self-punishment is what is known as Prâyaśchitta or penance, and the extent, manner, period, time, etc. regarding it did naturally give rise to what can be called Philosophy of Penal Laws. The scientific way in which the subject is handled is of universal application and it is true of all ages. The only difficulty consists in making ourselves familiar with the facts that are couched in a highly conventional language, and another point to be noticed is that a fact simple in nature is deduced through an elaborate process, not because it requires so much, but because it must satisfy every essential condition of Dharma. It is for the sake of this Philosophy of Penal Laws that Prâyaśchitta-Adhyâya is worth studying.

The first difficulty for a translator is the absence of a carefully edited text. There are the following editions of YÂJÑAVALKYA Smṛiti with the Mitâkṣarâ commentary:

1. A South Indian edition in Telugu character with a Telugu Tîkâ as well. We had to refer to this occasionally, but no special reference is made to it as many perhaps are not familiar with the Telugu character.

2. An edition of the Venkatesvar Press of Bombay. This does not seem to have been carefully edited.

3. Another Bombay edition by Mr. Moghe. This is not a perfect edition either.
4. A Calcutta lithograph edition. The same remark applies to this also.
5. A Lucknow edition with a Hindi translation. This too cannot command any better notice.
6. An edition printed at the Nirnaya Sagara Press, Bombay. A passage in a Sanskrit preface to it runs as follows: "Of course this work has certainly been published by many and in some cases it has gone through several editions. Nevertheless, in all of them there are several blemishes consequent upon inattention, negligence, defective proficiency, and so on, and in more places than one both in the text (of YÂJÑAVALKYA) and in the commentary (of VIJÑÂNEŚVARA) there are full stops where they are not necessary, allowing of incoherent words into the passage, variance between the text and the commentary, etc., and all these make the text absurd and not acceptable. Thus all these defects being removed if this great legal work is edited, well corrected, it proves a great benefit to the public" (Translation). It is based on three good Mss. and also on one of the Bombay editions published some thirty years ago. It also seems to have used Bâlaṃbhaṭṭî, and in some places it gives extracts from it, as well as giving different readings throughout. This is by far the best edition and we refer to it in our notes by the letter "N."
7. Now come two lawyer editions which of course pretend to do much. The first is the one published by Mr. Setlur. It claims to have been edited by a collation of six Mss. and two printed editions, but a critical examination from the standpoint of an independent editor shows that it shares in general many a drawback that can be ascribed to other editions. To this however we refer in our notes by "S."
8. The other lawyer edition is by Mr. Gharpure. It has its own defects too. We refer to this in our notes by "G."
9. In addition to these we were able to get the carefully edited but unpublished text of the Mitâkṣarâ which was the property of Babu Govinda Dâsa of Benares, who has already done much service to the learned world by his publication of Bâlambhaṭṭî on Vyavahârâdhyâya, and who has also a portion of Âchârâdhyâya of the same. This was of great help to us and we refer to it as "D" in our notes.

With the above editions before us, we were able to settle doubtful points and so it was not considered necessary to bring out another Sanskrit text, but to go on translating adding foot-notes here and there to show how one might better correct his text in some important places whatever edition he may happen to use. The Bâlaṃbhaṭṭî Ms. which Babu Govinda Dâsa kindly lent to us was of further use not only to settle the doubtful points but also to understand better the difficult points.

Next with regard to the way in which the translation itself has been attempted. Of the various methods proposed, we believe that to be literal to some extent has its own purpose to serve, though that renders the language employed less idiomatic or even terse. Our reasons are many, and of them one or two may be noticed: Legal science comes under serious literature, and though we are not as fluent there as, perhaps, in a novel, yet our excuse is that even a student of it sits to read it with all seriousness, gathering the facts scattered, inquiring into their meaning, comparing, balancing, arguing, and inferring, and concluding in the most careful manner. Further it often becomes necessary to employ the original texts themselves, and in such a case the translation is used only to understand the original better. Every practising lawyer knows that the order of words, not all substantives, occurring in a text or passage often serves most useful purposes in deciding cases according to Hindu Law, and in such a case the original—often containing troublesome particles and adverbs—has to be cited, and in such cases the translation has its purpose served by merely explaining such passages. Moreover, no author can exhaustively conceive to what purposes a passage can be utilized, and if he errs, he errs on the safe side by adhering to the original rather than give a free translation, which undoubtedly involves many of his own conscious or unconscious opinions. If any opinion is to be given at all, that must not be in the name of translation.

Nor do we say that we are perfectly literal, for that were to make the translation unintelligible. Some one who translated (in 1802) Goethe's "The Sorrows of Werter" says thus: "In England Werter has appeared in a variety of dresses, but the clothing seldom corresponded with the original. This may be easily accounted—for it was translated from the French, by some who were unacquainted with the German language; and having lost a considerable portion of its spirit by the first change, we may naturally conclude that it entirely evaporated in the second. Others have literally translated it from the original; but in this close adherence we find more puerility than simplicity, more folly than pathos! Of the former translators, it must be observed that, though English scholars, yet from their ignorance of the German language, and being consequently obliged to refer to another *translation* of the work, they have in many parts perverted the meaning, and given Werter a dress that is not his *own*; and of the latter, their being unacquainted with the English idiom has rendered them incapable of conveying the original meaning to the English reader—this half-dress makes our hero appear more the subject of mirth than pity." This of course was said in connection with the ordinary literature where the reader is more carried away by the interest the theme creates than pause to consider and understand it. Our aim being 'as literal and literary as we can conceive,' almost all the extra words that are employed to make the translation read better are enclosed in common brackets, though here and there a copula, an article, or the like which are in fact no foreign

aggressions are left unenclosed. Where a quotation is often referred to in the original in the form of an incomplete sentence, as such may not look nice in English if literally stuck to, other necessary parts have been introduced to make such portions of quotations yield some complete import, and all those additional words etc. have been enclosed in square brackets. In some places where by the proximity etc. it seems to look plain, no such addition is made.

With regard to the translations of quotations from MANU and other Smṛitis that have already been translated and published in Max Müller's Sacred Books of the East series, it was first intended to utilize those very translations with such changes as were absolutely necessary to suit the explanation of the Mitâkṣarâ. But with the change of plan in our original scheme, we gave up that idea also. The texts of such quotations, as they appear in the Mitâkṣarâ, are often at variance with those that are employed by those scholars for their translations, and the change that is consequently to be made is often so great that the changed translation bears no resemblance at all to what is found in those books. It has been suggested to us by many that it is better to give our own translations of such quotations in the light of the Mitâkṣarâ and also of the various commentaries on it so that both the translations may be compared and the point better argued whenever necessary. We have acted on this suggestion as it appeared to us to be a very sensible one. As references are given to the chapter and verse of the quotations it is not difficult for an inquirer to find out the corresponding translation as given in Max Müller's series. For the sake of illustration, however, we have in the first few pages given the translations of some quotations as they occur in the Sacred Books of the East Series, and also pointed out in the foot-notes how essential it often became to adapt or change them to suit our purposes.

A word with regard to Mimâṃsâ references. Perusal shows that the Prâyaśchittâdhyâya abounds in more frequent Mîmâṃsâ references than the other two Adhyâyas, and in several cases we have tried to explain such references at full length with references to the Sûtras of JAIMINI. Unless the ritual portion of the topic is digested it is not easy to understand the general application of the principle, and thus we have discussed the whole topic wherever it is considered necessary. Where VIJÑÂNEŚVARA tacitly assumes any such principle, care is taken to elucidate it at some length, and point out in a few words its application. It is hoped that a knowledge of such principles in connection with the particular passages of the Mitâkṣarâ would gradually lead to their being employed generally.

Now there is another feature of our work with regard to which, it is, perhaps, hard to satisfy some of our critics, and that is, the division of the Mitâkṣarâ into sections and paragraphs. We are aware that such a thing is quite foreign to Sanskrit literature, but it is followed to facilitate understanding, and even reference. If the idea running through a number of pages is summed under a section, and a suggestive name given

to it, then the mind is prepared, as it were, to grasp that particular idea, and further the number of the paragraph shows, where a paragraph, which can actually be so called, ends, and the thought running through it can be better assimilated. Marginal notes, often in the form of the gist of the passage to which they refer have been given to aid the process better, and if the extra words employed to make the translation lucid are found enclosed in brackets, these things, the headings of the sections and the marginal notes are found printed in types different from that employed for the translation, and stand apart without disturbing the translation. So does the number of the paragraph put at the beginning of each paragraph. We have also tried, with regard to the lengthy arguments of the Mitâkṣarâ, to point out what portion of the passage is the argument for the objection and what for the reply. In all this our only aim is to help a beginner as much as possible to understand the abstruse facts.

An exhaustive alphabetical index to the Mitâkṣarâ will be published after the completion of the translation of the whole work; and therefore only a brief Analytical Table of Contents is prefixed to this Volume. It may be added that where the table is perhaps very brief, marginal notes on the corresponding pages may be referred to with advantage.

With regard to the types that are employed, the bigger type shows that that particular portion is the translation of YÂJÑAVALKYA'S text, the verse number of which is indicated by the Roman numbers put at the beginning. The other portion of course is the translation of the Mitâkṣarâ. At the end of a quotation, certain figures are often given, and they indicate—of course with the usual convention of the particular Smṛiti—to the chapter and verse of that Smṛiti or other work. Certain passages quoted from incomplete or minor Smṛitis have not been given references to for the obvious reason that a suitable edition cannot be had. Our own view is that the incomplete nature of several Smṛitis is due to the fact, that for a long time past people studied one or two chapters of a particular work, for those Smṛitis deal, perhaps, exhaustively on a particular topic in those chapters and this seems to have gone on for a long time when the name of a particular Smṛiti came to be given to those portions only. That this is so can be illustrated by a single fact that Chandrâloka, which is a work on Rhetoric, and which contains ten chapters, is only remembered in many parts of Southern India as identical with the tenth chapter of it, namely, the Chapter on Figures of Speech, which is treated of there more exhaustively than in any other work. This seems to have gone on for a long time even with the Smṛiti literature so much so that only fragments came to be preserved. It is another question how those original works can be traced.

There is again another fact which makes reference useless. Certain passages from PARÂŚARA which are cited by VIJÑÂNEŚVARA differ much from those adopted by MÂDHAVÂCHÂRYA in his commentaries. In some places VIJÑÂNEŚVARA'S quotations of that Smṛiti contain more verses than can be found in the text adopted by MÂDHAVÂCHÂRYA, sometimes the

beginning itself of the verse is different, and in such cases, no useful purpose is served by giving references. Similar is the case with the Smṛiti of VIṢṆU and the passages which VIJÑÂNEŚVARA professes to cite therefrom. These points have been noted to some extent in the foot-notes, and anyhow it must be noted that on account of such differences, the text is not unnecessarily bothered with references. At the same time it is hard to account for the differences in readings, and often we notice that in the Mitâkṣarâ itself a verse or text once cited in a particular form is cited in a slightly altered form when it happens to be cited again. Possibly quoting was done from memory, and it was not thought necessary to verify such quotations.

This in brief is the way in which we have attempted the translation. All the Sanskrit words with the exception of particles, verbal roots, etc., have been begun with capital letters, while the Sanskrit proper names have been printed in small capitals. Certain accented types were not forthcoming in the beginning and it was thought that this volume had to be printed without them. The enterprising proprietor of the Indian Press--Babu Chintamani Ghosh—very readily supplied this want, for which we are grateful to him and so the latter part of this work is almost free from such drawback. Every care has been taken to make the work as faultless as possible, but it is after all a human effort, and mistakes might have crept in, for which, whatever they are, we crave the kind indulgence of the generous public.

It is now our pleasant duty to express our heartfelt thanks to Babu Govinda Dâsa, *rais*, of Benares for his kindness to allow us his manuscript copy of Bâlaṃbhaṭṭi on Prâyaśchittâdhyâya, and his carefully corrected book of the Mitâkṣarâ. Our thanks are also due to Mahâmahopâdhyâya Dr. Ganga Nath Jha, M.A., D. Litt., Professor of Sanskrit, Muir Central College, Allahabad, who with his uniform affability allowed us to refer to him on several important points of Mîmâṃsâ.

One word more by way of apology. It was first thought to make the translation as close as possible to the original and give side by side a translation of the complete gloss of BÂLAṂBHAṬṬA. But that idea had to be changed, and the same translation which had been made with that object in view had to be revised and made more lucid. A few points might have, nevertheless, been left in a terse form, and anyhow we hope that such things are rare. For all such, and for any misprints the occurrence of which the late Professor Max Müller rightly calls, "a mishap against which even the gods fight in vain," we crave the generous indulgence of the public.

भ्रान्तेः पुरुषधर्मत्वाद्दोषः स्यादेव सर्वथा ।
तामुद्धरन्तु कृपया विद्वांसो गतमत्सराः ॥

"Erring being human nature, mistake there might most assuredly be in every way. May the learned divested of jealousy remove that out of kindness."—RÂMEŚVARA.

S. N. NARAHARAYYA.

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CORRIGENDA.

P. 27, l. 35, for *62* read *62A*.

P. 35, l. 16, for *if is* read *if it is*.

P. 38, l. 16, for KÂTYÂYANNA read KÂTYÂYANA.

P. 45, l. 24, for *102* read *102A*.

P. 100, l. 22, for *Ajâvekṣaṇa* read *Âjyâvekṣaṇa*.

P. 116, l. 2, for *with* read *by*.

P. 261, note (o), for *Brahmâchârin* read *Brahmachârin*.

P. 407, side note, for *outcasts* read *outcastes*.



ŚRĪḤ

YAJNAVALKYA SMRITI

WITH

THE MITAKSARA

BOOK III.

ON PRÂYAŚCHITTA OR PENANCE.

CHAPTER I.

ON IMPURITY.

SECTION I.—BURIAL AND CREMATION.

1. Salutation to Śrī Gaṇeśa! Salutation to Śrī Sarasvatī! Salutation to Śrī Gurus!

The Nitya ('obligatory') as well as the Naimittika ('occasional') duties of the householders have (already) been described. Those functions which belong to that particular (kind of) householder, called the 5 king, (because of his) occupying that status (on account) of his having been (regularly) installed with the ceremony of sprinkling (consecrated) water, etc., have also been pointed out. Now shall be established some exceptions to those (duties), by settling the (nature of) impurity (occasioned by death) which is the cause of restraining them from performing 10 the (usual) duties which they are (otherwise) entitled to do.

Introduction.

2. Now the word 'impurity' denotes a certain special (condition) affecting persons, which is got rid of by bathing, etc., (at the proper) time, and is the cause of (necessitating) the process of presenting Piṇḍas and 15 water libations and so on, and also of stopping the studies of Vedas and the rest; and not the mere absence of fitness to the performance of religious duties. For in "[When a (child) that has teethed dies, *etc.*] all relations (become) impure," and the like (texts), the word 'Aśuddha' ('impure') (*a*) is em- 20 ployed; the word 'Aśuddha,' according to the usage of the old, is not

The term Âśaucha ('impurity').

(*a*) Because in the above passage (MANU, V. 58), MANU uses the word 'Aśuddha,' and, therefore, Aśuddha and Âśaucha must be taken to mean the same thing.

employed to signify the mere absence of Adhikâra with reference to one who is not an Âhitâgni, one who has (not) taken a sacrificial vow, and so on; and also the understanding of the meaning of words depends upon the usage of the old and the etymology (of the word itself). Moreover, if it is urged that, because (there are texts) prohibiting the making of gifts, etc., 5 it is construed that the meaning of the word 'Âśaucha' ('impurity') is the unfitness (of persons) who are affected by impurity to such (acts), then as (the texts) are found ordaining the water libations, etc., it must also signify their fitness to these (latter acts) (*b*). In that case as there arises a question of the fallacy of assigning diverse meanings (to one 10 and the same word), that view is to be rejected.

3. (Now the sage YAJNAVALKYA) says what should be done by the Sapiṇḍas and others (when they are affected by impurity):

I. One should bury a child whose second year is incomplete, and should not perform water libations (for 15 it). Any other than such (an infant) should be followed when dead, by the agnates as far as the crematory.

II. And, reciting Yama-sûktas and Yama-gâthâs, (they should cremate him) in the ordinary fire. And if (the deceased is) initiated (into Brahmacharya), he should 20 be cremated after the manner of Âhitâgni with all beneficial ceremonies.

He (whose) *dve varṣe* ('two years, that is, second year') *ûne* ['(remains)] incomplete'] is Ûnadvivarṣaḥ ('one whose second year remains incomplete'), and such (a one) when dead shall be buried, that is to say, 25 one shall make an excavation in the earth and place (that dead infant in it), and not cremate it. Nor should one perform for it the rites relating to the dead, such as offering water libations and the rest laid down as intended for the deceased (in the texts) like the following: "They should throw water once, *etc.*" (III. 5.) 30

A child under two.

4. Again, he should be decorated with sandal (pastes), garlands, unctions, and so on, and be buried outside the village in a pure (spot of) ground, other than a crematory and free from a find of bones. Thus says MANU: "One who dies before the completion of his second year, the relations shall, having decked (him), 35 bury out (of the village) in a pure (spot of) ground free from a find of bones (*c*). To such (a child) no cremation should be

The funeral service of one under two: the grave.

(*b*) In one case it means fitness and in the other unfitness.

(*c*) Buhler's translation is not in accordance with the explanation that follows. The ground where the grave is dug should not contain any bones, that is, there should be no indication that one had been buried there previously.

done, and no water libation should be made; but leaving him like (a piece of) wood in the forest, they shall remain (impure) three days only" (V. 68-9). The meaning of "leaving him like (a piece of) wood in the forest" is this: Just as leaving a piece of wood in a forest, they become indifferent with regard to it, even so they should place him (who is dead) before the completion of his second year, in an excavation (made) in the earth, and become indifferent to the (performance), in his favour, of Śrâddhas and other rites relating to the dead. Thus, the absence of Śrâddha and other rites that would come in through Âchâra, etc., is indicated by (means of) this example. 10

The process of burial.

5. Further the dead body (*d*) should be besmeared with ghee and buried by (the relations) who should sing Yama-gâthas. For says the text of YAMA, "One should sing Yama-gâthâ, and reciting the Yama-sûkta, should outside (the village) bury him who is dead before the completion of the second year, besmearing him with ghee." 15

The funeral service of one above two.

6. Any other than such (an infant), (that is,) than he who has not completed his second year, (that is to say,) he who dies having completed his second year, should be followed, (or) accompanied, as far as the crematory 20 by the agnates, Sapiṇḍas, as well as Samânodakas, the seniors (in age) moving in front. From this very text it is gathered that accompanying him who has not yet completed his second year is not (*e*) compulsory.

And being followed, he shall, if no Araṇi had been (used by him for churning out the fire for making burnt offerings), be cremated in the 25 ordinary fire, (that is,) in the fire that has not been consecrated, by the agnates, who should sing Yama-sûkta beginning with *Pareyivâṃsam*, etc., (Ṛig. VII. vi. 146).

The Araṇi-fire and the ordinary fire.

But if (an Araṇi) had been (used by him), he should be cremated not in the ordinary (fire), but in that churned out of that (Araṇi), inasmuch 30 as its (very) purpose (as an instrument) is for being used (to help) any function that is performable in fire. Even the ordinary fire (is) to be taken (to be that) which is other than the fire of a Chaṇḍâla or the like. For says the text of DEVALA, "Fire of a Chaṇḍâla, fire that is (burning) impure (things), 35 fire of (those who are affected by) impurity, fire of a person who has suffered degradation (from caste), and fire from a funeral pyre are at no time fit to be taken by the wise."

7. (Some) special (rules) have, in this (connection), been stated by LAUGAKSI: "In the case of all who have had the ceremony of tonsure, 40 water (libations) (should be offered) without any Mantra, and even the

(*d*) Some editions have *sa cha*, 'And he should be...'.

(*e*) S. has *anugamanam niyatam iti*, that accompanying.........is necessary.

cremation should, without any Mantra, be done; and both (the cremation and water libation might be done) at one's own option in the case of other (children)." The idea is this: If (death occurs) subsequent to the ceremony of tonsure, the (cremation in) fire and the offering of water (libations) should, as a rule, be performed. And (in the case of) (one) other (than such), (that is,) even in the case of him who has had no ceremony of tonsure, if (death occurs) after the naming ceremony, both (the rites), namely, (cremation in fire and the offering of water libations), might, without Mantras, be performed, not as a rule, but at one's own option in the interest of the deceased. Thus there is a choice between the two alternatives.

The funeral service of one who has had the ceremony of tonsure.

Certain details are laid down even by MANU in this (connection): "The relations need not offer water (libations) to (a child) that has not completed the third year; but if it had teeth or Nâmakarman ('the ceremony of giving it a name') had been performed, the offering of water is optional" (*f*). The term 'water' is to cover by synecdoche even cremation in fire because of its close association with it.

Because of the text, "...To (a child) that has not completed the third year, *etc.*," even in the case where preference, (before the third year) is given to the ceremony of tonsure in accordance with the family custom, the rule relating to cremation, water libations, etc., after the completion of the third year, (it) is inferred (would apply). And it should be understood that, because of the text of LAUGAKSI, those two (rites) should be performed, as a rule, even in the case of him who has had the ceremony of tonsure, even prior to the third year.

8. "If he is initiated," (that is,) if he is initiated into Brahmacharya, then (the cremation) is after the manner (adopted in the case) of an Âhitâgni, (that is,) he shall be cremated in the ordinary fire itself according to the procedure of cremation (*g*) (adopted in the case) of an Âhitâgni, (the process being) well known in one's own Gṛihya Code or the like. "With all beneficial ceremonies" means with (such rites as are) beneficial. The meaning is this: Whichever, being settled as the (form of) cremation for an individual, becomes a means of securing him benefit, (such as) the selection of ground, consecration by sprinkling, and the like, (that) should be observed; while, again, whatever is devoid of any (visible) benefit, (such as) the arrangement of vessels, etc., that is to be omitted. Likewise by ordaining the ordinary fire (for the purpose of cremation in the case) of one who has been initiated into Brahmacharya, and also by laying down the rule of cremation in the Gṛihya fire in the case of one who is

Cremation of one who has not been initiated into Brahmacharya.

(*f*) V. 70. Buhler's version is slightly different. The present one is so made as to suit the present explanation.

(*g*) S. has *dânaprakriyayâ*. What can *dâna* mean here?

not an Âhitâgni, the Âhavanîya, etc., fires have no purpose to serve (there) and come to be omitted (in either case).

Also (a rule) laying down another (sort of) fire has been stated by VRIDDHA YAJNAVALKYA: "An Âhitâgni shall, according to the rule, be cremated with the three (Sacred) Fires, one who is not an Âhitâgni with an only one (the Gṛihya fire), and the rest of men (entitled to cremation) in the ordinary fire." 5

VRIDDHA YAJNAVALKYA on the point.

9. And the carrying of fire, fuel, and the like to the crematory shall not be done by (employing) a Śûdra (for the propose). For, says the text of YAMA: "For whomsoever (intended), a Śûdra brings (to the crematory) fire, straw, fuel, and articles (serving as) Havis, of him the condition of Preta continues for ever, and that (Śûdra) is tainted with the (sin of) breach of virtue." 10

Carrying of fire, fuel etc., to the crematory through a Śûdra prohibited.

10. Likewise, shall that cremation be performed after washing, etc. (*h*), the dead body. For says the text of a Smṛiti: "A corpse shall be cremated, washed, (embalmed) with good fragrant substances, and decorated with garlands." It has been stated by PRACHETAS too: "The washing of the corpse (shall) by the sons or the like (be done) and likewise worshipping it with raiments, etc., next. Never shall a body be burnt naked, and something worthy of being made over (in gift) should be left (behind with it)." "Something worthy of being made over (in gift)" signifies a portion of the raiments on the corpse should be given to, or left behind for (being taken by), those haunting the crematory. 15 20 25

Washing the corpse before the cremation.

11. (Certain) particulars have been laid down by MANU thus even with regard to the carrying out a dead body: "A dead Brâhmaṇa shall not be allowed to be carried out by a Śûdra while men of the same caste are at hand; for that burnt offering (*i*) which is defiled by a Śûdra's contact (*j*) is detrimental to (the deceased's passage to) heaven" (V. 104). Here again it is not intended that (the clause) "while men of the same caste are at hand" should be significant, for defects of the nature of loss of heaven and the like are mentioned. 30

Carrying out a dead body and castes.

12. "A dead Śûdra shall be carried out by the southern gate of the town, but (the corpses of) twice-born (castes) as is proper, by the western, 35

(*h*) G. and N. omit *âdi*, etc.

(*i*) The burnt offering of the body itself.—KULLUKA.

(*j*) Buhler has 'touch' here. 'Contact' is used to suit the explanation that follows. This is in conformity with the view held by KULLUKA, though GOVINDARAJA takes a contrary view. MEDHATITHI notes that the term 'Brâhmaṇa' is not necessarily restrictive, for the same holds good in the case of other twice-born classes also.

northern, and (*k*) eastern (gates) respectively:" (*l*) HARITA too has thus: "No dead body shall be carried out in the direction of a village."

Carrying out a dead body and the directions.

13. When, however, in the case of death of one who had been abroad (at the time of death), the body cannot be had, then an effigy of him should be made with his bones, or even when those (bones) cannot be had an effigy (of him) should be made with the leaves of Palâśa tree according to the rules laid down in SAUNAKA'S and other Gṛihya Codes (*ll*) and the cremation proceeded with.

Procedure when the dead body cannot be had.

14. The period of impurity in this case is the same as ten days, etc. For says the text of VASISTHA: "If he happens to be an Âhitâgni and dies having gone abroad, then the rite of cremation should be performed afresh, and the period of impurity is as in the case of a regular (cremation) of a corpse" (*m*). If he happens to be one who is not an Ahitâgni, it is only three days. For says the text of a Smṛiti: "With good flour mixed with water (an effigy should be made) and also cremated, in (exactly) the same way, in the fire by the relations (the following) being pronounced, '(May) this individual go to heaven, Svâhâ (*n*). The image of Palâśa leaves being thus burnt, they shall remain impure for three days."

Impurity in the above case.

15. This, therefore, is the conclusion: (If death occurs) prior to the naming ceremony, (then there shall be) burial itself, and no water libations and the like. (If it is) subsequent to that, and before the completion of the third year, (then) (cremation in) fire and water libation (might be performed as a matter of choice). Thenceforward, and as long as the initiation (into Brahmacharya) has not taken place, it is settled that (cremation in) fire and the (offering of) water libation, without Mantras, shall be done, and the same (is the case) even (with regard) to one who has had the ceremony of tonsure although the third year is not yet complete. After the ceremony of initiation (into Brahmacharya), however, cremation shall be conducted after the manner (laid down) for an Âhitâgni, and all the after-death rites shall be performed. Only there is this difference: (In the case of) one who had been initiated (into Brahmacharya) cremation shall be performed in the ordinary fire, while (in the case) of one who is not an Ahitâgni, cremation shall be performed in the Gṛihya fire, and also the arrangement of the vessels (for ritual purposes should be done) as may be possible.

Concluding remarks on the topic.

(*k*) Buhler has 'or.'

(*l*) MANU V. 92.

(*ll*) See ASVALAYANA Gṛihya Kârikâ, IV. 2.

(*m*) IV. 37. Buhler is more explanatory.

(*n*) Because it is an "Âhuti." See note (*i*) above.

SECTION II.—WATER LIBATIONS.

16. (The sage) now says what should be done after the (rite of) cremation:

III. Prior to the seventh or tenth (day) (of death) the agnates with their faces (turned) to the south shall enter into water with this (Mantra) *Apa naḥ śośuchad agham* (o). 5

Before the seventh day or even before the tenth day, the agnates, (that is,) the Sagotras, the Sapiṇḍas, and the Samânodakas, should facing the south, enter into water with the Mantra, *Apa naḥ śośuchad agham* (o), etc. By the expression, "enter into," it is indicated by synecdoche, 10 an (act of) entering into (water) together with (the performance) of offering of water which forms the object of it. For, in the very next (stanza) (which runs) thus, "Even so (in the case) of maternal grandfather, preceptor, etc.," there is seen an extension of water libations. This, however, 15 should be done on odd days, for says the text of GAUTAMA, "On the first, third, fifth, seventh, and ninth (days after the death) water [mixed with sesamum (p) must be offered" (q)]. Further this (offering of water libation) should be performed after bathing, for says the text of SATATAPA, "Having consigned the body into the fire, 20 they shall not look back, but enter into water" (r).

Water libations before the seventh day or the tenth.

And likewise a particular rule has been laid down even by PRACHETAS in this (connection): "The relations of the deceased in the order of the seniors shall get down into water and mourn (?) and pour down the water (libations) close to the water (place), having their sacred thread 25 and upper raiment passing under the left arm. (They) shall face the south in (case the deceased is) a Brâhmaṇa, and the north and east (respectively in (case of) Kṣatriyas and Vaiśyas."

17. In (some) other Smṛitis, however, it has been stated that as long as the days of impurity (last), so long shall there be a repetition 30

(o) Rigveda I. vii. 5.

(p) Buhler has this on the authority of HARADATTA.

(q) II. v. 37. HARADATTA has the following: "Three should be given on the first day, nine on the third, thirty on the seventh, and thirty-three on the ninth, and thus seventy-five Añjalifuls should be poured down in all." But the custom is this: Three will be poured down on the first day, and beginning with the second day, it is increased by one per day.

N. B.—Even in the latter case the number is 75, but this lasts for ten days beginning from the day of death. (3+4+5+ · · · · + 11 + 12=75). Compare BALAMBHATTA also on the point.

(r) This rule is the same as VASISTHA, IV. 11.

of water libation. Thus says VISNU: "As long as the impurity lasts, so long should they offer (every day) water (libations) and Pinda to the deceased" (XIX. 13). And it has been declared by PRACHETAS too thus: "Every day should handfuls of water be offered intended for the deceased. It should be increased (by one Añjaliful a day) until the concluding Pinda is offered." The idea is that every day (the offering of) Añjalifuls (of water) should be increased (by one) until the (offering of the) tenth Pinda is finished.

Water libation as long as the impurity lasts.

18. Of course the purpose intended by the Śâstras is secured by an adherence to either of these rules even, the arduous or the easy one, and although the adopting of the arduous rule is not possible because of (the necessity of) enduring excessive trouble, yet it must be construed that excellent service is rendered to the deceased; or, otherwise, there results the question of uselessness of laying down the more arduous rule. VASISTHA also lays down a particular (rule): "They shall perform the water libations with both hands, the right and the left" (*s*).

Either rule may be followed.

19. (The sage now) speaks of an extension of the water libation, which, as will be described, is to be poured down only once, and which is attended by the characteristic (features) of (pronouncing) the name, Gotra, etc., (even) to (the case of) the maternal grandfather and the rest that are not of the same Gotra (*t*):

IV. Even so should the water libation be performed (in the case) of the deceased maternal grandfather and preceptors; and Kâmodaka (in the case) of friends, married women, sister's son, father-in-law, and the Ritvik.

Just as water is offered to the Pretas of the Sapindas of the same Gotra, even so should, every day, the rite of water (libation) be performed (for the benefit) of the Pretas of the maternal grandfather and preceptors.

Extension of the rule.

20. A friend is (one also known as) Mitra ('friend'); married women (are) daughters, sisters, and the like given away in marriage; a sister's son is the son of a sister; a father-in-law (is one) who is well known; and a Ritvik is he who is engaged in a sacrifice. For the benefit of these, (namely,) the Pretas of a friend and so on, the (offering of) Kâmodaka

Kâmodaka.

(s) IV. 12. Buhler's version is more explanatory.

(t) There is another reading, which, although would mean almost the same thing, alters the order a little: '(The sage) now......libation which is performed in the case of Sagotras, which as will be .... of a maternal grandfather and the rest.'

should be done. Kâma is desire, and Udaka ('water') offered with Kâma, is Kâmodaka ('water offered with a desire to benefit'). The idea is if there is a desire to benefit the Pretas water might be offered, and if there is none it need not be offered, and there is no (sin of) violating the rule if that is not attended to. 5

21. In the matter of offering water (libations) (the sage) describes a rule with regard to certain features (of it):

V. Observing silence, they shall pour down water once to the repetition of the name and Gotra.

And that water (libation) should be offered thus: The Sapiṇḍas 10 and the Samânodakas, observing silence, should pronounce the name and the Gotra of the deceased, (that is,) should say, 'May the deceased of such and a Gotra and such and such a name be gratified' and pour down water only once, or (they may do it), thrice for says the text of PRACHETAS, 15 'May the deceased be gratified!'"

The way in which water libations are to be poured down.

22. And it has already been shown conclusively that one Añjaliful (of water) should be increased every day, and likewise even this particular (rule) has been stated by that (PRACHETAS) himself: "Then should a river-shore be resorted to, and having attended to 20 the process of purification properly, first should the dress be well cleansed and then bathing attended to. Then he should, with the raiments on the body, bathe, and rendering himself (thus pure), and being pure in mind (also), he should then stand (u) on a stone, and present ten Añjalifuls of water in (case that 25 the deceased is) a Brâhmaṇa. It is declared that in (the case of a) Kṣatriya, twelve (such) should be offered, and fifteen in (the case of) a Vaiśya. Thirty should be presented in (the case of) a Śûdra, and then they should return home. Then, again, should bathing be attended to, and even the purification of the house should be caused to be made." 30

Other particulars with regard to water libations.

SECTION III.—PERSONS UNFIT FOR WATER LIBATIONS.

23. With regard to certain persons (even) among the Sapiṇḍas, (the sage) lays down a prohibition in the matter of offering water libations:

Brahmachârins shall perform no water libations and likewise those who have suffered degradation (from 35 caste).

Although there exists an agnate relationship (between the deceased and themselves) the Brahmachârins, so long as their Samâvartana ('returning home having finished their student's career') is not performed, and those (persons) who have suffered degradation (from caste), (that is to say,) 40

(u) S. notices a reading *âdâya*, (he should) having picked up a stone (?).

those who have lost their claim to the performance of religious functions assigned to the twice-born (classes) shall not perform the (rite of) offering water (libations), etc. Thus says MANU: "An Âdiṣṭî ('one who has resolved to observe a certain vow') shall not pour down water (libations) (to the dead) until 5 his vow has been completed; and when it is completed, he shall pour down water (libations) and remain impure for three days" (*v*). The word 'Âdiṣṭî' ('one who is resolved to observe a certain vow') denotes a Brahmachârin because there is to him a command of 10 sacred observances such as, 'You are a Brahmachârin; perform the Âchamana and the rites (prescribed); sleep not during the day; *etc.*" (*w*).

Brahmachârins and those who have suffered degradation from caste prohibited from offering water libations.

By saying elsewhere, "(Even having carried out) an Achârya, a parent, and a tutor, *etc.*" (III. 15), (the sage YAJNAVALKYA) points out that this, however, is said to 15 the exclusion of parents, etc. The venerable Âchârya, however, opines thus (in this connection): 'Adiṣṭî' denotes one by whom a penance is begun (to perform), this prohibition of offering of water (libation) etc. (is stated) with reference to him only, and the rule of offering water (libations) 20 and observing impurity (becomes binding upon him) subsequent to the completion of the vow of the nature of penance.

An exception.

One by whom a penance is started.

24. Similarly, the fitness of offering water (libation) is denied to the impotent, etc., for says the text of VRIDDHA-MANU, "The impotent, etc., shall not offer water (libations), and so the 25 thieves, the Vrâtyas, those that follow prohibited occupations, and even women who injure the (contents of their) wombs or (do harm to) their husbands, or even taste liquors."

The impotent etc.

25. Having thus laid down in (the matter of) offering water (libations) a prohibition with regard to those that are to offer (it), (the sage 30 goes on to) lay down a prohibition with reference to those to whom it should be offered.

VI. Heretics, those who have no Âśramas, thieves, murderers of husbands, adulteresses, etc., and women who drink liquor or commit suicide are not entitled to 35 (be observed) death impurity (for) or to (be offered) the libation of water.

(*v*) V. 58. Buhler's translation is slightly altered so that due prominence may be given to the offering of water (libation) and also to the observing of impurity after the student's career.

(*w*) ASVALAYANA'S Gṛihya Sûtra, I. xxii. 2.

Heresy is the wearing of false badges such as a man's head, bone, a temple-bone, and the like (practices) that find no place in the Vedas, and those (persons) who have that heresy in them are called heretics.

Heretics, etc., are not entitled to be offered water libations.

Those who have no Âśramas are such as, though they have fitness (for it), do not embrace the particular Âśrama that is suited to them. Thieves (referred to here) are those who steal gold and the like superior things. Murderers of husbands are those who kill their husbands. Adulteresses are profligate women, and because the word *âdi* ('etc.') (is used, it is inferred that) those who destroy the (contents of their) womb and the (lives of) Brâhmaṇas are also to be taken. Women who drink liquor are those that are addicted to the drinking of such liquor as is prohibited to them. Women who commit suicide are those who put an end to their own lives having recourse to poison, fire, water, strangling, and the like. These, (namely), the heretics and the like are not entitled to (be observed death) impurity (for) as will be described by (the text of YAJNAVALKYA), "For three (days and) nightsor ten (days and) nights, etc." (III. 18), and also to the obitual rites (such as) the offeri ng of water (libation), etc. Entitled they are not because they cannot be the objects thereof, (that is to say), they are not such as would be the cause of impurity (by their death) etc. to the Sapiṇḍas and the rest. Thus (this text) tends to establish (the fact) that in the case of their death, no offering of the water (libation) etc. shall be performed by the Sapiṇḍas.

The five irrecognizable factors.

26. Here, again, the gender in *Surâpyaḥ* ('women who drink liquor'), etc., is not used to be significant. For says the statement, "The gender, the number too, the place, the particular time, and the merit accruing from a deed, the adepts in Mîmâṃsâ declare are a set of five irrecognizable factors," and that is included among the irrecognizable factors (*x*).

Death by poison, etc., is no sin if involuntary.

27. And further this refers to (a case where the act of suicide is) committed voluntarily. Thus says GAUTAMA: "And in the case of those voluntarily (dying) by means of lying down till death, fasting, weapons, fire, poison, water, strangling, and falling (from a height) (the relations become pure immediately)" (*y*). Lying down till death (is) to continue to lie down till death (comes); fasting (is) to famish one's own self (to death); and falling (from a height) (is to fall from the summit of a mountain. Even here as an attributive adjunct, (namely), '(that) voluntarily (do it)' is expressly stated it should be understood that there is no

(*x*) S. omits this statement.

The text of YAJNAVALKYA has these various terms in the feminine gender. Hence they have been translated as referring to women.

(*y*) II. v. 11. Buhler takes *prayonâśaka* as equivalent to 'abstaining from food.'

sin (of committing a wrongful act) in case that (death) happens (that way) by accident. For says the text of ANGIRAS: "Then if a certain person dies, as matter of accident, of fire, water, etc., the period of impurity shall be enjoined in his case, and also the offering of water (libation) shall be performed." 5

28. And likewise there is a prohibition of observing impurity, etc., even in the case of some deaths (occurring under) peculiar (circumstances): "It is to those who have committed sin that death (occurs) by a Chaṇḍâla, water, a serpent, a Brâhmaṇa, even lightning, fanged animals too, and also beasts. Water (libation), the offering of Piṇḍas, or whatever else is offered 10 intended for the departed, that does not reach such, but is (all) lost in space." Even this refers to the case of suicides voluntarily committed, inasmuch as in the text of GAUTAMA, prohibition of impurity, etc., is enjoined in the case of him who dies of water only. And here also as it is pointed out by mentioning 15 (such deaths) in contiguous association with (voluntary suicide committed in water) as, "by a Chaṇḍâla, water, a serpent, etc.," there is an undoubted conclusion that it refers to a voluntary action. Thus, therefore, whoever impelled by self pride or the like goes to kill Chaṇḍâlas etc., and is slain by them, the offering of Piṇḍas, etc., for him is prohibited, and 20 (that prohibition is) occasioned by violating the rule (namely), "By all means, one shall certainly protect himself." In the same way, it is to be construed that this prohibition applies (to the case) of him, who out of pride, tries to catch the fierce fanged animals, and is killed while going to face them. 25

Certain peculiar deaths.

And this prohibition of impurity (is laid down) with reference to that which has the characteristic feature of lasting for ten days, etc., for (a momentary impurity followed by) an immediate purity is enjoined (elsewhere by YAJNAVALKYA) as, "(In the case) of those killed by the king, a cow, or a Brâhmaṇa, as well as by suicides, (it is) so long as 30 (the body) is seen" (III. 21).

29. Similarly even cremation etc. shall not be performed (in the case) of these. For says the text of YAMA, "No observing of impurity, no water (libation), no (shedding of) tears, no obitual rites too (such as) cremation and so on, and no placing on the bier shall 35 be done (in the case of such) and also of those who die by a Brahma-rod." "(Those) that die of a Brahma-rod" (are those) that are killed by the rod of a Brâhmaṇa, and by the term 'bier' a litter or the like that is used to carry a dead body out is indicated. 40

No cremation etc. in the case of such.

30. Nor should it be wrongly supposed that, (if this rule is followed), there arises a question that the disposing of the (sacred) fires and the sacrificial vessels as well, in accordance with the Vedic text, "They (shall) cremate an Âhitâgni with the (Sacred) Fires (he kept) along with

the sacrificial utensils (he used)," would be wanting, and, therefore, this prohibition of cremation etc. which is purely of a Smṛiti-origin, cannot affect the case of Âhitâgnis killed by a Brâhmaṇa and the like. For a different (way of) disposing of the (Sacred) Fires and the 5 sacrificial vessels belonging to an Âhitâgni who is killed by a Chaṇḍâla or the like is given thus in another Smṛiti: "The Vaitâna ('sacrificial') Fire one shall consign into water, throw the Âvasathya ('household') Fire on a cross-road, and burn down the sacrificial vessels in fire if the sacrificer dies an unnatural death." 10

Disposal of the Sacred Fires etc. of an Âhitâgni killed by a Chaṇḍâla or the like.

31. And likewise a different way of disposing of even his body has been prescribed, for says the text of a Smṛiti: "There is no (after-death) rite (in the case) of those that commit suicide and likewise of those that have suffered degradation (from caste). The consigning (of them) in 15 the same way into the Ganges water is also to their benefit."

Disposing of the body of the above.

32. Thus, therefore, there is a prohibition of cremation etc. in the case of all (such persons) as a general rule. And if on account of affection and the like, the prohibiting rule is violated, penance shall be undertaken. For says the text of a Smṛiti: "Having performed 20 (the rite of) cremation or water (libation), bathed, carried (the bier), told the story (of such a deceased), cut the ties (of the bier in the crematory), or shed tears, one is purified by (performing) a Tapta-Kṛichchhra" (z). And this penance (holds good), it must be understood, (in the case of) doing any one (of these acts) volun- 25 tarily, while if it is done involuntarily then that (penance) should be (taken to hold good) which is laid down by SAMVARTA thus: "He who carries or cremates the dead (body) of any of these, or (places it on) a bier, makes water (libation), or (performs any other obitual) rite, shall perform Sântapana Kṛichchhra." 30

Penance shall be performed if the above rule is violated.

(There is) again that (text) which lays down fasting in (cases of) touching, or shedding tears (over), (it) as, "If such a corpse is merely touched or even if a tear is shed (over it), fasting (should be observed) for a (day and) night, if what have been said before are not done"; but that refers to him who is unable to 35 perform the Kṛichchhras. And likewise subsisting on begged food is prescribed by SUMANTU thus,—"In (case of) cutting the ties (of the bier) or even cremating (a), food collected by begging (should be eaten) for a month, and (likewise) bathing (observed) at three Savanas (every day)"; and even that refers to the case of the weak only. In the 40

Penance for the same in the case of the inability.

(z). S. notices a reading *sapta-kṛichchhra*, seven Kṛichchhras, (in a ms. on which it relies as correct).

(a) S. omits *dahane*, cremating.

same way even other texts of Smṛitis referring to that matter are to be settled.

33. And further, this prohibition of cremation etc. refers to (cases of suicides) other than that of one who is too weak to perform the daily (compulsory) duties, an enfeebled hermit, etc., for, (in the case) of such, 5 a permissive (rule) does exist. For says the text of a Smṛiti: "Whoever being an old man, being deprived of (strength to attend to the) Smṛiti rules of purification, and (his case) pronounced impossible to (yield to) any treatment, puts an end to himself by (means of) (falling from a precipi- 10 tous rock, (falling into) fire, refusing food, or (drowning in) water, (in) his (case) (the period of) impurity (lasts for) three days, and the bone-gathering rite being performed on the second (day) and the water (libations) also on the third, the Śrâddha shall be performed on the fourth (day)." 15

Where suicide is no sin.

SECTION IV.—THE NARAYANA-BALI.

34. Thus by whatever limitations (it is) that suicide is countenanced by the Śâstras, if in cases where one puts an end to himself other than by such (means), it is desired to know, what then should be done as the Śrâddha and other after-death rites are prohibit- 20 ed, it is so laid down by VRIDDHA-YAJNAVALKYA and CHHAGALEYA: "YAMA says that Nârâyaṇa-Bali shall be performed by men for fear of being censured by the world, and those (deceased persons also) are that way rendered pure and not otherwise. Therefore, food shall certainly be offered 25 even to them along with a money gift." It has been stated by VYASA also thus: "Intended for NARAYANA or even ŚIVA whatever is made over in gift, that becomes a rite rendering that (deceased) pure, and that (purification) cannot be (effected) otherwise."

Nârâyaṇa-Bali in the case of prohibited suicides.

Thus as the Nârâyaṇa-Bali (rite), through effecting purification to 30 the deceased, effects a qualification in him for being an object of (receiving) Śrâddha (offerings) etc., every other obitual rite also shall certainly be performed (in his case). It is with this very view that even in Ṣaṭtriṃśanmata, permission is thus accorded for the (performance of) obitual rites: "(In the case) 35 of those who have been killed by cows and Brâhmaṇas, and likewise (in the case) of those also who have suffered degradation (from caste), all obitual rites shall certainly be performed after the lapse of one year." (Thus it is) only after the lapse of one year (after death) that Nârâyaṇa- 40 Bali should be performed and obitual rites proceeded with.

Nârâyaṇa-Bali purifies the deceased from his sin and renders him fit for being offered a Śrâddha.

35. Again, Nârâyaṇa-Bali should be performed thus : "On a certain eleventh day of the bright half of a lunar month he should in due manner worship VISNU, and YAMA, the son of VIVASVAT, and close to (the place) where these (deities are worshipped), he should, facing the south and regarding the deceased as having taken the form of VISNU, place, 5 mentioning the name and Gotra of the deceased, on the Kuśa grass, the points of which are turned to the south, ten Piṇḍas mixed with honey and ghee and strewn with sesamum, worship them with sandal (paste) and the like, perform (every ceremony) down to the removal of the Piṇḍas, and consign 10 them into a river and not give them to one's own wife and so on. Then that very night he should give an invitation to an odd number of Brâhmaṇas and (himself) observe fasting (that night). And at noon, on the following day, he should conduct the worship of VISNU, should after the manner of Ekoddiṣṭa perform (every ceremony) beginning with 15 the washing of the Brâhmaṇa's feet and ending with (that of asking them) if they have obtained satisfaction (with the entertainment), should after the rule of Piṇḍapitṛiyajña (b), finish without Mantras the rite beginning with the marking (of the mound on which fire is to be placed for making offerings) with lines and closing with the washing (of 20 the hand after the offerings are made), should present four Piṇḍas intended (respectively) for VISNU, BRAHMAN, ŚIVA, and YAMA attended by his retinue, and shall, calling up the deceased with the name and Gotra, extol the name of VISNU, and present a fifth Piṇḍa. Next when the (ceremony has advanced till the) Brâhmaṇas have sipped (Âchamana) 25 water (after meals), he shall please them with money-present, shall, regarding one among them who excels the rest in the matter of qualification as being the deceased himself (in that form), please him better with (the gifts of a) cow, land, gold, etc. (He should next) make the Brâhmaṇas wear a Kuśa ring and offer water (libations) with sesamum (grain) to the 30 deceased, and (then) partake of the meal along with his people.

How Nârâyaṇa-Bali should be performed.

36. In the case of him who is killed by a serpent, this one thing is (to be noticed) specially: For (a term of) one year, the serpent-god should be worshipped on the fifth day (of the lunar month) after the rule pre- 35 scribed in the Purâṇas, and when the year ends, Nârâyaṇa-Bali should be performed, and a gold serpent be made over (in gift), and also an actual cow should be made over (in gift). Thereafter, all the obitual rites shall be proceeded with.

Nârâyaṇa Bali in the case of one dead of a snake bite.

37. The nature of Nârâyaṇa-Bali as described in the Viṣṇu-Purâṇa 40 is as follows: "Selecting the eleventh day of the bright half of a lunar month, the god VISNU should be worshipped, and likewise the god YAMA, the son

Nârâyaṇa-Bali as described in Viṣṇu-Purâṇa.

(b) See ÂSVALAYANA Gṛiya-Pariśiṣt II. 6.

of VIVASVAT. With perfect self-restraint, he should with his face turned towards the south, place on the Kuśa grass the Piṇḍas well soaked in ghee, mixed honey, and strewn with sesamum grain, keeping VISNU before his mind, and he should then throw theminto the water of a river. With regard to (the offering of) those (Piṇḍas), there should be a mentioning of 5 the name and Gotra, likewise a worshipping with flowers, and an offering of incense and light, and likewise of hard and soft food. Next he shall give invitation to the Brâhmaṇas, five, seven, or even nine, who are well full of learning and austerities, born of (good) families, and are not engaged (otherwise that day). Having fasted (that night), he should on the next 10 day, when the middle part of the day approaches, conduct the worship of VISNU and seat the Brâhmaṇas with their faces to the north and in the order of seniority, regarding them as the mane is in that shape. Concentrating his mind on the god VISNU, he should perform everything without sloth, and whatever is enjoined beginning with the invocation, (all) 15 that should be performed giving precedence to the gods. Then having noticed that the Brâhmaṇas are satisfied (with the meal) he should, according to the rule, ask them (if they have had) satisfaction, and with the very Haviṣya and sauce, mixed as well with sesamum, etc., he shall offer five Piṇḍas regarding (the deceased as) having taken the shape of the gods. 20 The first should be offered to VISNU, (the second) to BRAHMAN, and (the third) to ŚIVA. The fourth Piṇḍa should be offered to YAMA attended by his retinue. Thereafter, he should, with all his heart, mention the name of the deceased, the Gotra being pronounced first, and uttering the name of VISNU, should in this same way, offer a fifth Piṇḍa as before. Having 25 made the Brâhmaṇas sip (Âchamana) water, he should, according to the rule, honour them with money gifts. One Brâhmaṇa who is most senior (among them) he shall honour with (gifts of) gold, cow, raiment, and land, reflecting in his mind the deceased. Then, the Brâhmaṇas too with Kuśa grass in their hands, thinking of his name along with his 30 Gotra in their minds, shall attentively offer him Havis, sandal (paste), sesamum, and water. Then observing silence should (the performer of the rite) eat in company with his friends and dependants. Thus he who follows the injunction of VISNU and makes (obsequial) offerings to him who has committed suicide, shall soon elevate him, and no doubt need be 35 harboured in (the certainty of) it."

In cases where the cause (of death) is the sting of a serpent, it has been prescribed by SUMANTU in the Bhaviṣyat-Purâṇa that the making a gift of a gold serpent is the (spiritual) remedy: "Having made a serpent weighing a Bhâra (c) of gold he should, according to the rule, make 40 it over (in gift) along with a cow intended for VYASA, and thus attain (the condition of) being freed from the debt to the manes.

(c) 2,000 Palas. See also YAJNAVALKYA I. 364.

SECTION V.—CONDOLENCE.

38. Having thus laid down the (rules with regard to the) water libations, along with their exceptions, (the sage) thus says as to what should be done after that :

VII. When they have offered water (libations), bathed, come out of the water, and are seated on the soft green (grass), (the elders) should console them with the accounts of a past age. 5

Those by whom Udakadâna ('water libations') are *kṛita*, performed, are called Kṛitodakas ('those who have offered water libations'). (When) the sons etc. have thus (offered water libations), bathed, and (finishing all 10 the ceremonies) completely have come out of water and are seated on the soft green (grass), (that is), seated on a spot of ground covered with green grass that has just sprung out, the seniors of the family shall, with accounts of a past age, the nature of which will be described, console, (that is to say), they shall 15 enlighten, them with such words as can remove their sorrow.

Condolence.

39. (The sage now) describes the nature of the ancient accounts that are capable of removing the sorrow (felt for the dead) :

VIII. Whoever seeks an enduring quality in a man's nature that is as non-enduring as a plantain stalk 20 and resembles a bubble on water, he is a simple man.

The word 'man' is indicating by synecdoche of the entire animal kingdom of four sorts, (namely), those born with a sheath (around), those born in an egg, and so on, and the quality of such is 'man's nature.' There is found in it a virtue of Saṃsaraṇa ('the passage 25 of souls from one body to another'), and whoever would seek (or) look for an enduring, (that is), a lasting, quality in that Saṃsâra, which is as devoid of innate lasting power as a plantain stalk and is as transient as a bubble on water, he is a simple man, (that is), one whose mind wanders in an extremely wrong direction. 30 Therefore, it should not be done so by you who have realized the nature of Saṃsâra.

The transient nature of the life of a living being.

40. Moreover :

IX. If the body, composed of five parts on account of the deeds accomplished by one's own person, reverts 35 to its fivefold nature, what (should there be) weeping (for) in that (matter) ?

If the body produced (or) created of five parts, (that is), is consisting of the five elements, the earth and the rest on account of the germ of the Karman ('actions') done by one's own person in a previous birth, and for the purpose of enjoyment of the merits one has amassed himself, reverts, 5 when the enjoyment of (those) merits has ended, to its fivefold nature (that is to say), is again reduced to the condition of earth and so on, what avails the sorrow of your good selves in that matter? As it is of no use whatever, no sorrow should be felt (for a lost thing), for the (natural) state of things is of that sort. And the (natural) state of things is not 10 possible to be overcome by anyone.

Sorrow for a lost thing is useless.

41. Moreover:

X. The earth comes to perish, (and so) the ocean and the gods. How does the mortal world that resembles foam not come to perish? 15

This, (what is) known as death is not a strange thing, for even such creations as the earth, though huge, come to perish. And likewise the oceans too, and even the immortal gods who are reputed to be free from old age and death come to their end at the time of universal 20 destruction: How does this animal kingdom, then, of mortal nature, resembling foam in its transient condition, not come to perish? Indeed, the departure of things having mortality in them is only customary, and, therefore, the emotion of grief is of no avail.

All things perish.

42. (The sage now) says that inasmuch as it is also productive of 25 undesirable (results), this sorrow (for the dead should) not be felt:

XI. Wherefore, being helpless, the deceased partakes of phlegm and tear coming out of the relatives' body, therefore, there should be no weeping after indeed, but (after-death) rites performed according to one's 30 ability.

Wherefore, phlegm or tear thrown out of the mouth or the eye of the relations who weep over him, the deceased, though he does not desire it, does yet partake of as he is helpless, therefore, there should be no weeping (over his death), and, on the other hand, they 35 should wish the deceased well, and perform the Śrâddha and other rites in accordance with their ability.

No weeping; rites should be performed.

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SECTION VI.—THE RETURN OF THE MOURNERS FROM THE CREMATORY.

43. XII. Having thus well listened (to the condoling words), they should return to their house, the younger walking in front. They shall with a firm mind stand at the door, bite the margosa leaves,

XIII. Sip (Âchamana) water, and having touched fire etc., water, cowdung, and yellow mustard seeds, and placing (their) foot on a stone they should gently enter it.

Having thus well listened to the words of the seniors in the family, they should abandon their grief, and making the younger ones move in front, (they) should return to their house. And having returned, (they) should, with a firm mind, (that is), with a mind kept under restraint, bite, (that is,) grind fine with (their) teeth, the margosa leaves and swallow it (*d*), and then also sip (Âchamana) water. (They should then) touch fire, water, cowdung, and yellow mustard, and also (as it is inferred) from the use of the word *âdi* ('etc.'), (they should touch) the tender blades of grass and a bullock (mentioned) in the text of SANKHA, "The tender offshoots of grass or fire and even a bullock (they should touch)." (They should then) place their foot on a stone, and gently, (that is), without stumbling, enter the house.

Their return home.

44. (The sage now) describes the extension (of the rule) (*dd*):

XIV. The act of entering (the house) etc. is even to those who touch the deceased. To (those who are) other (than the Sapiṇḍas), the purification is, if they desire it at once, through bathing and (performing of) Prâṇâyâmas.

(*d*) The reading in S. is *daśanaiḥ khaṇḍayitvâ vamanaṃ kṛitvâ*, etc., grind fine with (their) teeth (the margosa leaves) and throw them out.

(*dd*) This is a principle called Atideśa. It is thus explained: When the functions laid down in one connection are taken out of that and applied also to another, it is called an Atideśa. (For example), having laid down a rule with regard to the feeding of DEVADATTA as, 'Let him be fed with rice, soup, meat, and cakes,' to say that YAJNADATTA also should be fed similarly, is to extend the functions of one to another, (that is, is Atideśa). There is also a verse to the effect: "When functions are transferred from a standard sacrifice to another of the same character, to serve as functions therein, it is called an Atideśa. This is the settled rule." Atideśa is treated by JAIMINI in Ch. VII.

The acts beginning with the biting of margosa leaves and ending with the entering of the house which have been described above, refer not only to the agnates but also to (those, who, although they are) other (than the Sapiṇḍas, yet) do the decorating of the corpse, carry the bier (on which 5 it is placed), and so on out of motives of virtue. With regard to the expression, "entering etc.," the word *âdi* ('etc.'), (the whole set of acts being) for (their) good, is intended to have a backward reference (*e*). Also to those who, although they are not Sapiṇḍas, go to carry the bier, etc., out of (sheer considerations of) virtue, and who (naturally) desire purification forthwith, 10 the purification is with mere bathing and (performing of) Prâṇâyâma. Thus says PARASARA: "Those Brâhmaṇas, who carry out a dead Brâhmaṇa who is helpless, at every step successively moved, acquire the merit of a Yajña. To those who are disposed to do meritorious deeds there is no inauspiciousness whatever, nor sin. Immediate purification is laid down 15 (in) their (case) by taking a plunge in water." In case of carrying out a dead body out of (sheer considerations of) friendship etc., a special rule is laid down by MANU: "A Brâhmaṇa having carried out a dead Brâhmaṇa who is not a Sapiṇḍa, as (if he were) a (near) relation, or the near relations of his mother, becomes pure after three (days and) nights. 20 But if he eats the food of the (Sapiṇḍas of the deceased), he is purified in ten days, (but) in one day, if he does not eat their food nor stays (*f*) in their house" (V. 101-2).

The abovementioned acts refer to those also who touch the corpse.

The decision is this in this (matter): Whoever (moved) by friendship etc., carries a dead body out, and eats the food belonging to his (Sapiṇḍas) 25 themselves, and stays in their house as well, the purification to him is in ten days only. Whoever, on the other hand, only stays in their house but not eats their food, purification to him is in three-days. And whoever, again, only carries the dead body out, but neither stays in their house nor eats 30 their food, (purification is) in a day (in) his (case).

A settlement of conflicting views.

45. This again is referring to those of the same caste, and in the case of different castes, on the other hand, of whichever caste a dead body one carries out, he should observe the impurity consequent upon that very caste. Thus says GAUTAMA: 35 "When one of an inferior Varṇa touches one of a superior Varṇa, or one of a superior (Varṇa) one of an inferior (one), there the impurity is determined by the caste of the dead man" (II. v. 26). Touching is to carry out. The idea is, (in a case) where a Śûdra is carried out (by him) the impurity of a Brâhmaṇa (lasts) for one month; 40 (in a case) where a Śûdra carries out a Brâhmaṇa's (corpse), the impurity lasts for ten days; and thus the impurity should be observed as determined by the (caste of the) deceased.

Contact impurity in the case of different castes.

(*e*) That is, referring to the things expressed previous to it.

(*f*) Buhler has 'dwells.'

46. (The sage now) speaks with regard to a Brahmachârin :

XV. Even having carried out an Âchârya, a parent, and a tutor, one under a vow continues to be one under the vow. And he should not eat the Sakata-food, nor should he dwell with them. 5

No violation of vow in carrying out the corpses of a parent, etc.

Âchârya is of the nature described before (*f*), father or mother is a parent, and a tutor too is defined before (*g*). Even having carried (the dead bodies of) these out, one under a vow, (that is), a Brahmachârin continues to be one under the vow alone, and there is no fall whatever in his vow. 10

Sakata-food.

By the term *kata* (*h*) is denoted impurity by synecdoche, and the food of those connected with it is Sakata-food ('impure food'), and that a Brahmachârin shall not eat.

A Brahmachârin shall not carry out the dead body of any one but a parent, a preceptor, etc.

Nor should he dwell with those affected by impurity. By saying so (the sage) seems to point out, as a matter of course, that in case of carrying out a dead body other than that of an Âchârya, etc., there is a breach in the vow of Brahmacharya. Thus therefore, has it been said by VASISTHA : "There is a deviation in the vow of a Brahmachârin attending to the obitual service of a corpse other than (that of) parents" (XXIII. 7). 15 20

SECTION VII.—OBSERVANCES OF THOSE AFFECTED BY IMPURITY.

47. (The sage now) speaks of particular observances of those affected by impurity : 25

XVI. Subsisting on bought or offered food (they shall be) and sleep separately on the ground. After the rule of Piṇḍayajña, food (intended) for the deceased shall, for three days, be placed on the ground.

Krîtalabdhâśanâḥ ('those who subsist on bought or offered food') (are so called) because they (are such) as whose food is either bought or offered unasked. "They shall be" is the ellipsis (that is to be supplied). 30

Food and bed.

As this regulative rule (restricts them to subsist on bought food or food that is offered unasked), it is, as a matter of course, established that they should refrain from 35

(*f*) I. 34.

(*g*) I. 35.

(*h*) The original has *sakatânna*. APARARKA takes it as two distinct words *sa katânna*, *sa*, he, Brahmachârin, and *katânna*—*kata*, impure, *anna*, food. That is to say, a Brahmachârin should not eat the food of those that are affected by impurity.

food in case that such cannot be had. It is with this very (view that) VASISTHA (says): "Having gone home, they shall sit during three days on mats, fasting, (or) subsist on what is bought or offered unasked" (IV. 14-5). A mat (is a seat made) of grass and spread so as to serve as a seat or bedding to those under impurity (*i*). And those who are Sapiṇḍas shall sleep, 5 not on cots and the like, but on the ground itself separate and separate.

In this matter a special (rule) has been pointed out by MANU too: "Let (mourners) eat food that is neither pungent nor mixed with (much of salt) (*j*), bathe during three days, abstain from meat, and sleep separate on the ground" (V. 78). And likewise a special (rule) 10 has been laid down even by GAUTAMA: "Those who perform obitual rites shall sleep on beds (spread) on the ground, and observe Brahmacharya" (*k*).

Shall sleep separate on the ground.

48. And likewise after the process of Piṇḍapitṛiyajña which has the features of wearing the sacred thread under the left arm and so on, 15 food which should serve as Piṇḍas shall, (intended) for the deceased, be placed, without any (ritual) ceremony, on the ground for three days. So says MARICHI: "Having bathed and with a pure mind, he shall prepare Charu outside (the village), (and) (in a place) to the east or north (of it), and, without the 20 Kuśa grass or Mantras, present the Piṇḍa (intended) for the deceased." That it should be (done) without Kuśa grass or Mantra is referring to the case of one (who is) not initiated (into Brahmacharya), for says the text of PRACHETAS: "One should place Piṇḍa on the ground (in the case) of the non-initiated, and on the Kuśa grass (in the case) of the initiated." 25

Offering of Piṇḍas.

49. Similarly should the regulative rule with regard to the performer (of the obitual rites) is to be learnt from the Gṛihya Pariśiṣṭa: "Whether one of a different Gotra or one of the same Gotra, and whether male or female, whoever offers (a Piṇḍa) on the first day, he (alone) shall finish 30 (the rites lasting) till the tenth day."

Performer of the obitual rites.

A regulative rule with regard to the material, (to be used) is likewise pointed out by SUNAH-PUCHCHHA: "With superior rice, or with meal of fried barley, or even with vegetables, Piṇḍa should be (made, and) offered. Whatever is the material 35 (used) on the first day, that alone shall be the material (to be employed) on all the ten days. And similarly (shall be offered), without Mantras, water pourings, flower, light, and even incense."

Material to be used for Piṇḍa.

And the Piṇḍa should be placed on a stone, for says SANKHA: "They should offer a garland, Piṇḍa, and water, on the ground or even on 40 a stone."

(*i*) S. reads *Śayanâsanârtha eva triyamayaḥ prastaraḥ*. No special purpose is served by *eva*, only, here.

(*j*) Buhler has 'without factitious salt.'

(*k*) II. v. 34. There is a slight difference between this reading and that adopted by HARADATTA which says, "Shall sit and sleep on mats spread on the ground."

50. Nor should it be wrongly supposed that because of the plural in "(they) should present," the offering of Piṇḍa should be done by all (the relatives) as in the case of water (libations) On the other hand it should be performed by the son alone, and failing him by one of the Sapiṇḍas who happens to be near (to him) and, failing (even) him, it should be performed by a Sapiṇḍa of the mother and so on: For says the text of GAUTAMA: "On failure of sons (the deceased person's) Sapiṇḍas, the Sapiṇḍas of his mother, or pupils shall offer (the funeral oblations), and on failure of these an officiating priest or the teacher" (II. vi. 13-4). Again, when there are several sons it shall, however, be performed by the eldest only, for says the text of MARICHI: "That which is done by the eldest only when all (the rest) give their consent, or with the undivided money, is certainly (regarded as) done by all."

The son alone shall offer the Piṇḍas.

51. The rule with regard to the number of the Piṇḍas is (that there shall be) ten Piṇḍas (in the case) of a Brâhmaṇa, twelve alone (in the case) of a Kṣatriya, and so on in accordance with the number of days in (the period of) impurity (in the case of each), and so has it been stated by VISNU: "So long as the (period of) impurity (lasts), they should offer water and even a Piṇḍa (every day)."

The number of Piṇḍas to be offered.

52. And likewise (it is found) in another Smṛiti: "With an attentive mind, he shall offer nine Piṇḍas during the nine days (that follow the death), and having offered the tenth Piṇḍa, he shall become pure when the night that follows (is past)." The text laying down the purification is (stated) with the idea (of allowing him) to give invitation to the Brâhmaṇas for the purposes of the Śrâddha that is to be performed on the next day. By (YAJNAVALKYA), the Lord of Yogins, however, an offering of three Piṇḍas has been enjoined (*l*), and between these two rules, the arduous one and the easy one, the settlement (of the cases to which they refer) is to be understood (as being) the same as is described with reference to water (libations).

Purity with the offering of the tenth Piṇḍa.

53. (There is) another special (rule) enunciated by SATATAPA in this (connection): "Even when (the period of) impurity is short one shall certainly offer ten Piṇḍas alone." (In the case) of those for whom the (period) of impurity (lasts) for three days, a special (rule) has been pointed out by PARASKARA: "With an undivided mind, three Piṇḍas shall be offered by them on the first day, and four should be offered on the second. And likewise the gathering of bones (should be performed) and three

Ten Piṇḍas even when the period of impurity is short.

(*l*) What YAJNAVALKYA says is that the Piṇḍas should be offered on three days and not three only.—If it is three, four, and three as PARASKARA says on the first three days, they are ten on the whole. VIJNANESVARA takes it otherwise.

(Piṇḍas) offered on the third day, and likewise shall the clothes, etc. be washed."

54. And again:

XVII. One day water and milk shall be hung in the air in earthenware vessels. 5

Water as well as milk (shall) respectively (be poured) into a pair of earthenware vessels and be hung in the air one day by a balancing rope, etc. As nothing particular is stated here, it shall be performed on the first day. Similarly, according to the text of PARASKARA, water should 10 be kept (hanging) (saying) 'Deceased, may you bathe herein,' and milk (saying) 'And drink this.'

Hanging of water and milk in the air.

55. And likewise the rite of gathering the bones as well should be performed on the first etc. days: So says SAMVARTA, "On the first day, or the third, (or) the seventh, and likewise 15 the ninth, the (rite of) gathering the bones shall, during daytime, be performed (in company) with his Gotrajas" ('those born of the same Gotra'). In certain texts it is stated that the (rite of) gathering the bones (should be done on) the second (day) and in Viṣṇu (-Purâṇa), however, (it is observed that) the (rite of) 20 gathering the bones should be done on the fourth day, and those (bones) again, should be thrown into the Ganges water. Thus, on one of these days (determined) according to the rule laid down in one's own Gṛihya (code), the (rite of) gathering the bones shall be performed.

The rite of gathering the bones.

Here, again, a special (rule) has been pointed out by ANGIRAS: 25 "In performing the (rite of) gathering the bones, it is declared (that there should be) a worship to (certain) deities. If any one, however, fails to perform the worship of the gods becoming himself pure (m) and (also) intending it for him who has become the Preta, then him, the gods 30 curse." And the deities here (referred to) are those that dwell in the ground of cremation being burnt there before, and it has been stated by that very (sage) thus: "Those that dwell in the crematory are declared to be the gods of the corpses." Thus it comes to be laid down that a worship intended for those gods as well as the Preta that is just deceased 35 should be performed there with incense, light, etc., as well as food in the form of a Piṇḍa.

A worship of the crematory-deities necessary.

56. And likewise, shaving also should be had on the tenth day, for, says the text of DEVALA: "When the tenth day comes, bathing should be (done) outside the village, and there should be left behind clothes, hair 40 (on the head), hair (on the face), and nails." And likewise (it is observed)

(m) By bathing, etc.

in another Smṛiti : "One should try and have the act of getting shaved done on the second day, on the third, or even on the fifth or the seventh before the offering of the Śrâddha." It means (that it should be had) before the offering of the Śrâddha, and (there is) no regulative rule with regard to the actual day. 5

Shaving.

And if it is asked to whom does this shaving (refer), it has been declared by APASTAMBA (thus): "Also shaving (in the case) of Anubhâvins." The idea is this: If it is asked to know that as *Anubhâvins* (signifies the) Sapiṇḍas inasmuch as *anubhavanti*, they endure, sorrow consequent upon the demise of the deceased, whether there should be, in 10 general, a shaving with regard to them (all), or (it is to be done in the case) of (only) the younger, this very text, "Also shaving (in the case) of Anubhâvins" explains that Anubhâvins are (those) younger (persons) because *bhavanti*, they are born, *anu*, after, and shaving is to be done (in) their (case). 15 Some hold that Anubhâvins are the sons, for a regulative rule is seen thus: "While visiting the Ganges, in the sacred tract of Bhâskara, at the death of father, mother, or a preceptor, at the (time of) kindling the sacred fire, and at the (time of) Soma sacrifice,--in (these) seven (cases) shaving is prescribed in the Smṛitis." 20

Anubhâvins should get shaved

SECTION VIII.—PERMISSIVE RULES WITH REGARD TO CERTAIN RITES.

57. As there would arise the question of suspension of one's right to the (performance of) all the Śrauta and Smârta rites consequent upon his being affected with impurity, (the sage) observes, by way of permis- 25 sion, with regard to particular (rites):

The Vaitâna and Aupâsana (rites) too shall be performed because of their being enjoined by the Śruti.

Vitâna is the spreading of the (three) fires, and those pertaining to it are Vaitânas and denote the rites of Agnihotra, Darśapûrṇamâsa, etc. 30 that are to be performed in the Tretâgnis. Upâsana is Gṛihya fire (so called) inasmuch as *upâsyate*, it is worshipped, every day and (the rites) pertaining to it are Aupâsanas and denote the rites of making burnt offerings in the morning and evening. Those Vedic rites (namely), 35 Vaitânas and Aupâsanas shall be performed. If it is asked how they have come to be Vedic, (it is answered that they are so) because of their being enjoined by the Śruti. It is indeed so, for that the Agnihotra etc. is enjoined is quite plain from such Śruti texts as, "One shall offer Agnihotra so long as (his) life (lasts)." And likewise by the Śruti text, "Every day 40 the Svâhâ (rite) should be performed, and in the absence of food with something else so long as the body (lasts)," even the Aupâsana rite is enjoined.

Vaitânas and Aupâsanas should be performed.

58. And in this (connection), because of the mentioning of an epithet of their being Śrauta, it is understood that there should be no performing of the rites laid down in the Smṛitis, (that is to say), such acts as making gifts, etc. (should not be done). With this very (view) has it been stated thus by VAIYAGHRAPADA: "Under impurity other than that of Râhu (n) (there shall be) a suspension of rites laid down in the Smṛitis. In (the case of) a Śrauta rite one might having bathed attain purification for the time being."

No Smârta rites should be performed.

59. Again the saying that the Śrauta rites should be performed is only with reference to such (rites) as are compulsory or are occasioned (by special circumstances). Thus says PAITHINASI: "They shall stop performing the compulsory rites save Vaitânas and, some (opine), (save even that that is to be performed) in the household fire as well. Because of (the statement), "They shall stop performing the compulsory rites," lest it might be deduced that there shall be a complete cessation of all (the rites) that are necessarily to be performed whether (they are) compulsory or occasioned (by special circumstances), there is an exception in the words, "save Vaitânas," that is (with the exception) of those that are to be accomplished in the three sacred Fires. And in (the clause) "Some (opine), (save even that, that is to be performed) in the household Fire as well," there is an exception, not absolute, of (those that are) necessarily to be performed even though they relate to the household Fire. Thus, therefore, there is no impurity with regard to (the performance of) these (rites), and, on the other hand, with regard to those (rites) that are performed with a desire one shall not perform them at all for want of purity. With the same idea (in view) has it been said even by MANU: "Nor [should they] interrupt the rites to be performed with the sacred Fires" (V. 84). Because of (the statement) "Nor the rites to be performed with the Sacred Fires (they) should interrupt," there is an exclusion of the five Mahâ-Yajñas ('daily sacrifices') that are not performed with fires. It is with this very (view) that SAMVARTA says:—"The burnt offering in that (case of impurity) shall be made with dry food or fruit. But the process of five Yajñas should not, however, be attended to in the case of (impurity of) a death or birth." Although it is performed with the fire, (yet) there is an exclusion of Vaiśvadeva because (there is a) text to that effect. For it has been stated by that very (authority) thus: "A Brâhmaṇa shall observe (impurity) for ten days without (performing) the (rite of) Vaiśvadeva."

What Śrauta rites should be performed.

The five great Yajñas should not be performed when one is impure.

60. In the text "(It) is enjoined that, in the case of impurity (there should be) a cessation of the rites of Sandhyâ, etc.", of course a complete

(n) An eclipse.

cessation of Sandhyâ is noticed, and, nevertheless, throwing down of (water) with cup-shaped hands, etc., should still be done. For, says the text of PAITHINASI, "In (the case of) impurity one shall throw down an Añjaliful of water too to the (recital of) Gâyatrî, circumambulate, meditate upon the sun-god, and make salutations." 5

Sandhyâ.

61. It has of course been stated generally that Vaitâna and Aupâsana (rites) shall be performed, and nevertheless, (they should) be caused to be done by some one else. For says the text of PAITHINASI, "Others should perform these." By BRIHASPATI too it has been stated thus: "In (the case of) a birth or even a death, inability, dining at a Śrâddha, and (in cases) occasioned by absence (in a foreign) place, etc., it shall be caused to be done (by another) and not omitted." 10

Employing of others to perform Vaitâna and Aupâsana rites.

62. Similarly although they are laid down in Smṛitis (yet), the making of (burnt) offerings which are compulsory as well as Piṇḍapitṛi-yajña, Śrâvaṇa-karman, Âśvayuja, and the like should certainly be performed: For says the text of JATUKARNYA, "When there arises (some cause of) impurity, how can then a rite laid down in the Smṛitis (be performed)? Piṇḍayajña and the making of burnt Charu offerings shall be caused to be performed by one of a different Gotra." 15 20

Other rites necessarily to be performed.

Of course the capacity of another to be a performer (in such rites) is with regard to the entire details of the rite (*o*), and nevertheless, the chief part (of it) consisting of the offering of his (Homa) material, he shall perform himself because that cannot be accomplished by any one else. With this very (idea in view) has it been stated (thus): "In (the case of) a Śrauta rite, one might having bathed, attain purification for the time being." The prohibition of Homa, however, (which is mentioned) in the text, "(The making of) a gift, the accepting (of a gift), the performing of Homa, and the studying of the Vedas are to be excluded," is to be construed as referring to a (rite undertaken with) a desired purpose, or referring to Vaiśvadeva. 25 30

The chief part of the rite to be done by the one's own self.

62. Similarly even the food of (those who are affected by) impurity shall not be eaten, for says the text of YAMA: "In both cases, the food of (that) family shall not be eaten for ten days." In "both cases" (means) in the (cases of) birth and death, and the expression "ten days" is to indicate by synecdoche the period of impurity. (That is to say,) the food of (that) family affected by impurity shall not be partaken of by those that do not belong to that family. And in the case of those however, who 35 40

The food of a family affected by impurity should not be eaten.

(*o*) S. reads *sânge karmaṇi akartṛitvam,* (there is) an unfitness (of one) with regard to performance of the act with all its details.

belong to the same family, there in no (sin of) violating (the rule), for it is stated by that very authority (*p*): "In (the case of) impurity," says MANU, "the food of the family causes no (sin of) violating (the rule)."

Violation of the rule only in case where the birth or death is known to have taken place.

63. Further it must be understood that this prohibition (applies) where a birth or death is known to have taken place either by the host or by the guest. For it has been shown in Ṣattriṃśanmata thus: "Where it is not known by both, the impurity (is) causing of no (sin of) violating (the rule) whatever; but if it is known to either even, the sin of violation surrounds him that eats."

64. In the same way, in cases of marriage, etc., the food intended for the Brâhmaṇas and prepared separately previous to (the family) being affected with impurity might, of course, be eaten. For says the text of BRIHASPATI, "In cases of marriage, festivities, and sacrifice, if there is (an affection of) death or birth impurity in the interim, it is declared that there is no violation (of the rule) with regard to (the eating of) things (about which there was a) previous purpose."

Where a birth or death-impurity occurs in the interim.

And likewise another special (rule) also is laid down in Ṣattriṃśanmata: "In cases of marriages, festivity, and sacrifice, if there is (an affection of) impurity in the interim, (that) food might be served by others and eaten as well by the best of the Brâhmaṇas; when the Brâhmaṇas are (actually) dining, however, if there is an affection of impurity in the interim, they should (make the concluding) sip (with) water (brought) from another's house, and they are all declared (to remain) pure."

65. In the same way even with regard to the acceptance (of gifts) (from those affected by) impurity, there is no violation (of the rule) with respect to particular things. Thus says MARICHI:

Acceptance of particular things permitted.

"With regard to salt, liquor, and flesh as well, flowers, roots and fruits also, vegetables, faggot, and grass, water, curds, ghee, and milk too, sesamum, medicine, and skin, and also boiled and unboiled things (there is no affection of impurity if) one should take (such) himself. And also with regard to all purchaseable goods there is no impurity whether (it is a case of) birth or death." Boiled (food) is that which belongs to the class of such edibles as sweetmeat, etc., and unboiled is (that as) raw rice, etc. It is said "One should take (such) himself," and the idea is that he being permitted by the owner, must take such himself. The permission with regard to boiled and unboiled things is referring to (the case of) those that are engaged in an almshouse. For says the text of ANGIRAS. "Of those that are engaged in an almshouse, the raw food is not forbidden. But having eaten the boiled food of such, one should drink milk for three (days and) nights."

(*p*) YAMA.

The term "boiled food" here is referring to boiled rice, etc. which are other than edibles (of the sweetmeat class).

66. A special rule has been stated by ANGIRAS with regard to impurity occasioned by the contact of a dead body: "To whichever householder there is (an affection of) impurity by (sheer) contact, no (Vedic) 5 rites (performable by him) are (to be) omitted, nor does that (impurity) affects the Gṛihya (rites to be performed by him). The idea is that that impurity affects the householder only and not his wife and others that stay in his house, or things that belong to 10 him. This very fact has been shown in another Smṛiti (to hold good) even in (the case) (where the normal period of) impurity has expired: "Ten days, however, being past, if the householder comes to know it later, there is only three days impurity (in) his (case), and never (anything) with regard to things belonging to him." 15

Impurity by contact is referring to the individual and not to his associates, etc.

SECTION IX.—THE PERIOD OF IMPURITY.

67. Having thus laid down the duties, enjoined and forbidden, (with regard) to (those that are) affected by impurity, the sage now (proceeds to) speak of the causes of impurity and also the rule with regard to the period (for which it lasts): 20

XVIII. For three (days and) nights or ten (days and nights) it is declared that the obitual impurity (lasts). (On the death of) one under two (it is only affecting) of two, for, indeed, the birth-impurity is only (with respect) to the mother. 25

Śâva ('obitual') is that occasioned by Śava, ('a dead body'). And by the term 'Sûtaka' ('birth-impurity') which connotes birth, impurity consequent upon birth is denoted. And by saying so (the sage) intends to express that birth and death are causing of impurity. Also that birth or death becomes the cause (of impurity) only 30 when it has come to one's knowledge. For in such texts as, "Having heard the death of an agnate or the birth of a son after ten days have elapsed," (q) there are seen indications (that it should be so interpreted); and also (this conclusion is arrived at) on the strength of the necessity of enunciating afresh such 35 texts as, "He who may hear that (an agnate) residing in a distant country has died, before ten (days after his death have elapsed) shall remain impure for what (forms) the remainder only of the period of ten (days and) nights" (r). If, however, it is urged that the incident itself

Death and birth impurities.

(q) MANU V. 57.

(r) V. 75. A slight change has been introduced into the Buhler's translation so that it may suit the commentary that follows.

is the cause of impurity, then the rules regulating ten, etc., days of impurity are beginning with those respective occurrences themselves, and, therefore, in a case where the death of an agnate is learnt before ten days have elapsed (after the event), it would have been settled, as a matter of course, that the period of impurity is what is left of those ten (days and) nights, and thus there ought not have been a fresh enunciation of the rule, "For what (forms) the remainder of the period of ten (days and) nights, *etc.*" Hence, a birth as well as death becomes the cause (of impurity) only when it is known. Further that impurity, though caused by either incident, is observed by MANU and others (to last) for three (days and) nights or ten (days and) nights (as the case may be).

An explanation.

68. Here, in the topic on impurity, the mentioning of the (word) 'night' as well as the mentioning of the (word) 'day' is for the purpose of denoting by synecdoche (a period of) one day and night. The expression, 'It is observed by MANU and others,' is for the purpose of indicating the various persons, (namely,) Sapiṇḍas and Samânodakas they themselves have pointed out as forming the objects to whom it refers. For, indeed, in the following texts, "It is ordained (that) among Sapiṇḍas the impurity on account of a death (shall last for) ten days;" "Even so it shall be (held) on a birth by those who desire to be absolutely pure;" "On a birth the purification of the Samânodakas is declared (to take place) after three (days and) nights"; and "Those who touch the corpse (are purified by ten days) and the Samânodakas (*s*) by three days" (*t*), a settlement has been effected between (the period of) three days and ten days that they (respectively) refer to the Samânodakas and Sapiṇḍas. Hence (it is decided that) with regard to the Sapiṇḍas, namely, those that are within the range of the seventh generation, (the period of impurity) is ten days irrespective (of other conditions), and with regard to the Samânodakas it is only three days.

Answer to an objectionable statement.

69. (There is,) however, a text which is stated in another Smṛiti: "In male (generations) the period of impurity is ten (days and) nights up to the fourth (in descent) and six (days and) nights in the (case of the) fifth; and in the (case of the) sixth there (arises) purification with four days and with a day in the (case of the) seventh." That need not be accepted because of its being an objectionable statement. Granting that it is not objectionable, it need, nevertheless, be not followed because of its being censured by the word as (is) the killing of an animal as an essential to Madhuparka. For says the text of MANU (?): "What is not conducive to (the attainment of) heaven, (or) is censured by the world, should not be observed though sanctioned by Dharma" (*u*). Nor is it proper to hold (that the period of impurity lasts for) one day in the case of a seventh

(*s*) Buhler has 'those who give libation of water.'

(*t*) These are the texts of MANU: V. 59; V. 61; V. 64; V. 71,

(*u*) This is I, 156 of YAJNAVALKYA,

Sapiṇḍa who is nearer (to the deceased), and (that it is) three days in (the case of) Samânodakas who begin with the eighth and are far more removed.

Certain special cases.

70. Thus if impurity would come in without any distinction in the case of the Sapiṇḍas, (the sage) says (the following) 5 in order that it may serve as a regulative rule in some cases: If one who is under two dies, ten days' impurity (is) only in the case of both, (that is,) the father and mother, and not of all the Sapiṇḍas. And with regard to them, however, (he says) (elsewhere): "(There is purity) forthwith so long as the teeth are not cut" (III. 23). And like- 10 wise says PAINGYA, "If one dies while (still) in the womb, (impurity is for) ten days (in the case) of the mother; if (one dies soon after being) born (it is only in the case) of both (the father and mother); and if the naming ceremony is performed (it is so) in the (case of the) brothers as well."

Another interpretation.

Or the meaning is this: If one under two dies impurity character- 15 ized by untouchableness is only (in the case) of both the father and mother, and not (in the case) of (all) the Sapiṇḍas. And to the same effect an opinion (with regard to impurity) characterized by untouchableness (is expressed) in another Smṛiti: "If one under two dies (it is) only (in the case) of 20 the parents and not of others." For, on the other hand, with regard to the other (sort of impurity,) which is of the nature of suspension of one's right to the (performance of) religious duties, it has been said in such texts as, "(There is purity) forthwith so long as the teeth are not cut, *etc.*," (that it holds good) even in (the case of) the Sapiṇḍas. This, 25 (namely), "Indeed the birth-impurity is only (with regard) to the mother", is an example here. It means that just as birth-impurity, which is occasioned by a birth, is an impurity characterized by untouchableness (so far as it refers) to the mother alone and no one else, even so on the demise of one under two (the impurity of the nature of) untouchableness is only with 30 regard to the father and mother alone. (The sage apparently) excludes here (the impurity of the nature of) untouchableness (with regard) to the Sapiṇḍas on the demise of one under two, (but) elsewhere (he) enjoins (the impurity of the nature of) untouchableness (even in their case). Just so has DEVALA: "It should be understood that the fitness to touch 35 (is) at the (end of a) third part of the period of one's own impurity (taking into consideration the respective periods) that have been prescribed, according to the Śâstras, in the case of Śûdras, Vaiśyas, Kṣatriyas, and Brâhmaṇas." This, however, should be known (to hold good) in the (case of) impurity caused by the demise of one, (who is) not initiated (into Brah- 40 macharya), or in the (case of) impurity which one has to observe for three (days and) nights, etc., (as the case may be) after (the usual) period (has) elapsed. With regard to (the impurity caused by the death of) one who is initiated (into Brahmacharya), it has been stated by that very (authority):

"If (the period of) respective (impurity) is divided into three parts and (at the end of the first) the rite of gathering the bones is performed, those who are adepts in seeing the reality hold that the person (of the mourners) might be touched (in the case of all) the Varṇas. (That is,) at (the end of) three, four, five, and ten days the Varṇas in the order might be touched; 5 but a Brâhmaṇa (becomes) fit for his food being eaten (by others) with ten days, and the rest with two, three, and six (successively) following." It should be noticed (that it means) two following ten, three following twelve, and six following fifteen.

SECTION X.—BIRTH-IMPURITY. 10

71. (The sage) now speaks of impurity (which is) caused by a birth and (is) characterized by untouchableness.

XIX. The birth-impurity (is affecting) only of parents and (is) irremoveable (in the case) of the mother because of the blood appearing (in her). No impurity 15 there is on that day because of the incarnation of the ancestors.

Birth-impurity which is caused on account of a birth is an impurity characterized by untouchableness (so far as it affects) parents only, (that is,) the father and mother (only), and (it is) not (so in the case) of all 20 the Sapiṇḍas. And that (impurity of the nature of) untouchableness is irremoveable (in the case) of the mother, and it means (her) untouchableness cannot be got rid of till (the lapse of) ten days. Why? Because of the blood appearing in her. (That is,) because of her connection (with the child's body) the blood flows out. It is for the very (reason) that VASISTHA 25 says (thus): "When (a child is) born there is no impurity (in the case) of man, if he does not touch (the woman). In (the case of) that (woman) it is the flow of blood that makes her impure, and that there is none in the case of man" (IV. 23). And in the case of the father it is not irremoveable, and the untouchableness leaves him with a mere bath. Thus says 30 SAMVARTA, "When a son is born, bathing along with the dress is prescribed in the case of the father. The mother gets rid of her impurity in ten days, but (in the case) of the father, touching (is allowed subsequently) after bathing."

72. Further even this, (namely,) "The mother can get rid of her 35 impurity in ten days," (is) with regard to (her) fitness for moving together; and in (respect of) the religious functions, however, which

A special rule.

have an invisible benefit, a special (rule) has thus been enunciated by PAITHINASI: "With the (lapse of) twenty (days and) nights, one can allow a woman who has been 40 delivered of a male child to attend to religious duties, and her (who has been) delivered of a female child with (the lapse of) a month."

73. Also that there is no untouchableness (in the case) of the Sapiṇḍas is thus made clear by ANGIRAS: "When there is a birth, the woman (who has been) delivered of the child being excluded, no touching is prohibited, and for touching, however, of the woman (who has been) 5 delivered of the child, bathing itself is enjoined (for the purposes of purification)."

Untouchableness with regard to the Sapiṇḍas.

74. There is no impurity on the day on which the birth of a son (takes place): The meaning is, it does not become the cause depriving them of their fitness to (perform) gifts etc. in honour of that (event). 10 For, (the reason is), on that day the incarnation, (that is,) birth, of the ancestors, the father and so forth, in the form of that son, (comes to happen), and, therefore, on that day, they are not affected (by impurity). And likewise has it been stated by VRIDDHA- 15 YAJNAVALKYA: "On the day on which a son is born (to one), acceptance (of gifts from him) might be done by Brâhmaṇas. Of gold, land, cow, horse, goat, raiment, bed, seat, etc., every one might be accepted (given) in (honour of) that (event), and only no boiled food shall be eaten. A Brâhmaṇa, who, however, eats it out of ignorance, shall perform 20 Châṇdrâyaṇa." Also a special (rule) has been enunciated in this connection even by VYASA: "The gods reputed to bring about birth occupy the chamber of a woman delivered (of a child), and it is declared that on the birth of a child, purity is for the worshipping of those (gods). Always, when a child is born, on these three days, (namely,) the first, and 25 the sixth, and the tenth also, no impurity shall be observed." MARKANDEYA, on the other hand, says thus: "In that manner the sixth of those nights, should particularly be kept. At night complete sitting up shall be observed, and likewise, offerings should be made to the gods bringing about birth. In (the case of) birth-impurity, on the tenth (night) also, 30 men with weapons in their hands, and women with dancing and singing, should keep the whole night."

Purity on the first day of a child-birth for particular religious observances.

SECTION XI.—IMPURITIES INTERVENING IMPURITIES.

75. If again, in the midst of one (period of) impurity there comes to happen (another) birth or death, then according to the maxim that 35 'What is occasioned (by a cause) repeats (itself) with each (recurring of the) cause (occasioning it),' as ten days, etc., impurity might come in again, (the sage) states an exception to it:

XX. If in the meantime, (occur) a birth (or) death, one is rendered pure by the remaining (number of) days. 40

Whatever is the (extent of the) period of impurity, in case of (the demise of) one as determined by (his) Varṇa or by the condition of

(his) age, if in the meantime of that, there occurs another birth or death that becomes the cause of (a fresh period of) impurity, either equal to the (first) one or shorter than that (in the period of time), then one becomes pure by the remaining (number) of days of the former impurity itself, and no impurity caused by a subsequent occurrence of birth or the like need again be observed in their respective order. 5

Case of a shorter impurity when a longer one is lasting.

76. When, however, an impurity of a longer period than the running impurity intervenes, then there is no purification by the remaining (period) of the previous one. Thus says USANAS: "If, however, in the midst of an impurity (of a) shorter (duration) there falls an impurity (of a) longer (period), then there is no purification by the (remaining period of the) previous one, and one becomes pure only by the regular period (of the subsequent one itself). YAMA, however, has: "Impurity is the increasing of sin, and that should be ended by observing that (which occurs) later." 10 15

A longer impurity in the midst of a shorter one.

77. Of course, it is here stated as, "If in the meantime, occurs a birth or death *etc.*," without any specification (of the case to which it refers), and, nevertheless, (in the case) where a death-impurity intervenes a birth one, there is no purification by the remainder of the period of the first (occurring) impurity. Thus says ANGIRAS: "If a death-impurity intervenes when the period of a birth-impurity is lasting, or a birth-impurity when the period of a death-impurity is running, there taking the death-impurity, not the birth-impurity, as (a) deciding (factor) purification should be effected." (There is) likewise (this) even in Ṣaṭtrimśanmata: "A death-impurity there having (already) been, when there arises a birth-impurity, (then) the birth (impurity) is got rid of with the (ending of the) death(-impurity), and the birth(-impurity) cannot remove the (impurity resulting) from a death." And, therefore, there is no purification with the (ending of the) remaining (period) of the first (one) (in a case) where a death-impurity intervenes a birth-impurity, but, on the other hand, (it is) only (so in the case) of a birth-impurity falling within the period of a death-impurity. 20 25 30 35

Case of birth and death-impurities intervening each other.

78. In the same way, though an impurity of the same strength intervenes (when one is running), a special (rule) denying in some cases the purification from a death-impurity (which occurs later) with the ending of the remaining (period) of first (only), has been stated (thus) in another Smṛiti: "The mother having died first and the impurity continuing (on account of her death), if the father dies, (the impurity consequent upon the death) of the father (shall be observed). (And if the death) of the mother (takes place in the midst of the impurity caused by the father's death) then the 40 45

Case where the impurities consequent upon the father and mother's deaths intervene each other.

purification is by what remains (of the first impurity), only an (additional impurity) for a day and a half should be observed." What it means is this: The mother having died before, and in the midst of the (period of) impurity occasioned by it if the demise of the father takes place, then there is no purification with the (ending of the) remaining (period) of the first (impurity), and purification should be observed with the (actual) period itself of impurity occasioned by the father's death. Similarly even if in the midst of the (period of) impurity occasioned by the father's death, the mother becomes defunct, even (in that case) there is no purification with the sheer remaining (period) of the first one, and, on the other hand, the first (period of) impurity should be completed, and one should remain (impure) for a day and a half further.

79. And likewise, a special (rule) has been enunciated by GAUTAMA with regard to the (special condition of) time at which the impurity affects: "If (it is such that) the night (still) remains (then the purification is) with two (days); and if is morning with three" (II. v. 6—7). What it means is this: When the (period) of the first impurity has only one night remaining, if another impurity does (then) occur, in that case, the first period of impurity being completed, purification is with (the lapse of) two subsequent (days and) nights; and, on the other hand, if it is morning, (that is,) if there arises another impurity, such as of a birth, at the last watch of that night, then purification is with the (lapse of) three nights, and not with the (expiry of the) remaining (portion) of (the first in either case). It has been stated by ŚATATAPA too: "(If it has) a night remaining, then the purification is with two days, and a watch (of night) remaining, (purification is) with three days."

Two days if the first impurity is a night left; and three days if it is a watch of the night left.

80. It has been said by that very (authority) that the obitual rite, however, does not cease even with the occurrence of (another) impurity: "If within ten days following the birth there occurs a death (as a) later (event), the offering of the Piṇḍas intended for the deceased should be performed (in company) with one's own relatives. If, on the other hand, the offering of the (series of) Piṇḍas to the deceased has been commenced and a birth takes place in the interim, one shall, according to the rule (laid down), continue to offer the Aśaucha Piṇḍas (v) in the very same manner."

The offering of the Piṇḍas not affected by the occurrence of another impurity.

81. And likewise even when two death-impurities clash, obitual rites shall be performed, because of its having a similar reason. In the same way even the Jâtakarman ('natal ceremony'), etc., that are occasioned by the birth of a son, shall certainly be performed though there is an intervention of (some) other impurity. Thus says

Temporary purity for the performance of the ceremonies consequent upon the birth of a son.

(v) Piṇḍas offered to the deceased, once a day, during the first ten, etc., days of his death while the impurity does last.

PRAJAPATI: "An impurity having (already) affected (one) if there occurs the birth of a son, there is purity for the time being (in the case) of the performer (of the ceremonies), and he is purified (once for all) with the (ending of the) first impurity."

SECTION XII.—IMPURITY IN THE CASE OF MISCARRIAGE. 5

82. Having thus laid down the (period of) impurity (consequent) upon a birth after completion of the (full) period of (pregnancy preceding) confinement, (the sage) now describes the (period of) impurity consequent upon miscarriage before the proper time is reached:

And in a (case of) miscarriage, (the number of) 10 days and nights equal to the months (of conception) are essential for purification.

Impurity in the case of a miscarriage lasts for as many days as the number of pregnancy months.

The root *sṛi* is of course ordinarily employed in the sense of trickling down of a liquid substance, and, nevertheless, it is here (used) in the (sense) of falling down which is of a nature common 15 to liquid and non-liquid substances (alike). How? Because (it is) during the first month alone (that the contents of the womb) is in the liquid condition, and (unless it is taken to refer to the falling down of the non-liquid substance also) the plural in "(days and) nights equal to the months (of 20 conception)" becomes inapplicable. In a case of miscarriage, whatever (be the number) of the months (that have elapsed) after conceiving, that number of (days and) nights become necessary for purification.

There is no impurity for man in the case of a miscarriage.

83. And this (refers) to women only, for says VRIDDHA-VASISTHA (thus): "In a case of miscarriage (impurity) lasts 25 for as many (days and) nights as the (number of) conception months (in the case) of women; and there is only bathing (in the case) of man." That, however, which is prescribed by GAUTAMA (as lasting) for the three days in (the Sûtra), "And three days" (II. v. 16), should be understood as (holding good) (in 30 case that the abortion occurs) prior to three months (of pregnancy). For says the text MARICHI, "In a case of miscarriage (the purification is) according to the (number of pregnancy) months. If (that occurs) too soon, (it is) three (days and) nights in the (case of the) highest (caste), four (days and) nights in the case of a Kṣatriya, and five days in the case of a 35 Vaiśya. And (in the case) of a Śûdra it is with eight days. This is described (as the rule of) purification." It means that if (that occurs) too soon, (that is), if the abortion takes place prior to three months, it is three (days and) nights in the case of highest (or) the Brâhmaṇa caste.

84. It should be noticed, however, that this (holds good) up to the (completion of the) sixth month. And with the seventh, etc., month, full period itself of the birth-impurity shall be observed. For in that (case) the passing out of the contents of the womb, completely developed in limbs and living, is observed, and also the term 'Prasava' ('delivery') is used in the world in that (sense). For says the text of a Smṛiti: "So long as it is within six months (of conception), if there occurs an abortion then it is opined that, (in the case) of those (women), the purification (is) with the (number of) days equal the number of the months (of conception). Thereafter (in the case) of those (women) (the period of) impurity is declared to be what is prescribed in the case of their respective castes. If there be an abortion, (there is) immediate purity (in the case) of the Sapiṇḍas." And this (rule) laying down the immediate purity with regard to the Sapiṇḍas, should be understood (to hold good) in case that the (contents of the) womb falls down in a liquid condition. (There is) the text of VASISTHA, however, (which runs thus): "If one under two dies as well as in the (case of) an abortion (impurity lasts for) three days (in the case) of the Sapiṇḍas" (IV. 34), (but) that refers to the passing out the hard fœtus during the fifth or the sixth month. For says the text of MARICHI, "Till the fourth month it is Srâva ('abortion') and it is Pâta ('miscarriage') during the fifth (month) and the sixth. Thereafter it becomes Prasûti ('delivery') and (in that case) the impurity (lasts for) ten days. In (case of) an abortion, (there is) the (impurity) to the mother lasting for three days without any impurity (with regard) to the Sapiṇḍas. (But) if there is a Pâta, the purification to the mother is according to the (number of the) conception months, and (it is) three days with regard to the father and so on."

Impurity in the case of abortion and miscarriage.

85. Commencing with the seventh month, whether (the child is) born still or dies (soon) after it is born, there shall be the full period of impurity consequent upon birth with regard to the Sapiṇḍas. For says the text of HARITA: "When one is born and dead or is dead and born, (there is) ten days (impurity in the case) of the Sapiṇḍas." And also (says) the text of PARASKARA: "Therefore, (in the case of) a birth also till the mother leaves her confinement, the impurity (is) as in the (case of a) birth." "Till the mother leaves her confinement," means till ten days when she who is delivered of the child leaves her confinement. The meaning is (that it is) as in the (case of a) birth, (that is to say,) it is devoid of (the rite of) water libation consequent upon the death of the child. BRIHAN-MANU too (has), "If a child under ten days dies no death-impurity need be observed by its relatives, and (only) the impurity (consequent) upon the birth is enjoined." And likewise even the text of another Smṛiti has this: "Impurity (caused) by the death of one who is under ten days is (determined) by the (number of) days of birth(-impurity) only.

Birth-impurity alone in the case of still birth or death soon after birth.

86. By a consideration of a multitude of texts which run thus, it is understood that (in the case) of the Sapiṇḍas, there is no curtailment in the (period of) impurity occasioned by a birth. But (there is the) text of BRIHAD-VISNU (thus): "If one is born and dead or dead and born, there is 5 immediate purification to the family." That is tending to establish that there is purification, by bathing, from impurity caused by the death of the child, and not from that occasioned by the birth (*vv*). PARASKARA too (has) this: "If the death takes place while (the child is yet) in the womb (then) there is birth-impurity for ten days." As there is impurity conse- 10 quent upon the birth (in the case) of the Sapiṇḍas, (the text), (namely,) "If he who is born alive should die, one is purified forthwith," is intended to (refer to the) death-impurity (caused by the death of the child soon after it is born). Just so has it been stated by SANKHA: "(There is) immediate purification (if the child dies) prior to the naming ceremony." 15 (There is the) text of KATYAYANNA which runs thus, "But if ten days (after birth) have not (yet) expired and one becomes defunct, then purification (comes out) forthwith, and there is neither a death (rite) nor water libation"; even that has, however, the same meaning as the text of Viṣṇu (-Purâṇa). If, however, the reading is *na pretaṃ naiva sûtakam*, 20 [' there is neither death (-rite) nor even birth-impurity '], then the meaning is there is no birth impurity, (that is,) untouchableness (in the case) of the father, and the rest. Or the meaning is this: If there (occurs) the demise of the child within ten days (of its birth) then there is no death-impurity. And if within that (period) there occurs the birth of 25 (another) Sapiṇḍa, then even the birth-impurity shall not at all be observed (as consequent upon the latter birth), and, on the other hand, there is purification with the remainder itself (of the) first (period of) impurity.

There is no curtailment of the birth-impurity.

87. Next there is the text of BRIHAN-MANU which (says), "If one is 30 born alive and is then dead, there is only birth-impurity. There is the whole (period of) impurity in the case of the mother, and one of three days with regard to the father etc." And also (there is) the text of BRIHAT-PRACHETAS which (says), "Should a child living but a Muhûrta die, the purification (in the 35 case) of the mother is with ten days, and the Sagotras are pure forthwith." With regard to these (texts) this is the settlement: If death occurs after the birth but before the cutting of the navel cord, then (in the case) of the father and the rest, the impurity is one of three days consequent upon the birth. And purification forthwith, however, is for the 40 purpose of Agnihotra, etc. For says the text of ŚANKHA, "Therc is temporary purity for (performing) Agnihotra by bathing." But when after

Some other texts.

(*vv*) S. omits the following portion here: *Tâthâ cha Pâraskaraḥ: "Garbheyadi vipattis syât daśâhaṃ sûtakaṃ bhavet." Sapiṇḍânâṃ prasavanimittasya.*

the navel cord is cut, even if the child passes away, there is the full (period) of impurity consequent upon the birth (with regard) to the Sapiṇḍas. For says the text of JAIMINI: "As long as the navel cord is not cut, so long one is not affected by birth-impurity; and the navel cord being cut, thereafter the birth-impurity is enjoined." 5

SECTION XIII.--IMPURITY OF A WOMAN IN HER COURSES.

88. The (following) fact has been pointed out by MANU too: "(A woman) is purified on a miscarriage in as many (days and) nights as months (elapsed after conception), and a menstruating female (*w*) becomes pure by bathing after the menstrual secretion has ceased (to flow)" 10 (V. 66). The meaning of the first part of this has (already) been explained, while the meaning of the second is this: When the menstruation ceases (or) stops from flowing, a menstruating woman becomes pure, (that is,) fit to perform duties to the gods etc. But in matters of touching etc., though the 15 menstruation does not cease, (she) becomes pure by bathing on the fourth day. It is so said by VRIDDHA-MANU. "On the fourth day she becomes pure for the purposes of moving together." Similarly runs the text of another Smṛiti: "A woman in menstruation becomes pure with regard to her husband by bathing on the fourth day. And for the (purposes of) 20 rites in honour of the gods as well as the manes, she becomes pure on the fifth day." "On the fifth day" (signifies), by synecdoche, the time at which menstruation has ceased (to flow.)"

Purification of a woman in her menstruation.

89. When there is again the appearance of menstrual flow within seventeen days counting from the (previous) appearance of the menses, 25 then there is no impurity at all. (If it happens) on the eighteenth (day) there is purification after a day, if on the nineteenth with two days, and if on the days following it, the purification is with three days. So says ATRI, "When a woman in menstruation who has taken (her purificatory) bath begins to men- 30 struate again before it is eighteen days (after its previous appearance) there is no impurity. If (it is) before nineteen days (then) (impurity) (lasts for) one day, and (for) two days (if) thereafter. And (if it is) on the subsequent days beginning with the twentieth, impurity (lasts for) three days." 35

No impurity if menses appear before seventeen days, one day if on the eighteenth, and two if on the nineteenth.

(*w*) The employing of the term 'female' here is to indicate woman of any Varṇa. The previous verses in MANU were delivered as referring to a Brâhmaṇa, and the use of the term 'female' here is to remove the wrong supposition (that this too refers to a woman of Brâhmaṇa caste). Even hereafter, wherever there is no special (authority) it is to be settled that in all such places, what is stated refers to any Varṇa whatsoever.—MEDHATITHI.

Bathing necessary if menses appear after fourteen days.

90. There is this text of another Smṛiti which (says), "(If menses appear) prior to fourteen days there is no impurity." But there it is intended (to express that) thenceforward there shall be bathing and hence there is no inconsistency. 5

A special case.

91. Further, this prohibition of impurity refers to (the case of) her in whom menses ordinarily appear after an interval of twenty days alone. But in the case of her who is in full (blown) youth, and in whom menses appear mostly prior to eighteen days alone, the impurity is certainly (lasting) for three (days and) 10 nights.

What a menstruating woman should observe.

92. And similarly, for three (days and) nights she shall stay without (having recourse to) bathing and the like. For says the text of VASISTHA: "A menstruating woman becomes impure for three nights, and she should not apply collyrium (to her eyes), should not apply oil (to her body), 15 should not bathe in a water (place) (*x*), should sleep on the ground, and should not sleep during the day. (She) should not look at the planets, should not touch fire, should not eat (flesh) (*y*), should not make a garland (*z*), should not clean her teeth either, and should not laugh, and should do 20 no work. (She) should drink with a large vessel or with hands shaped into a cup, or with a vessel of copper or iron (*a*). Thus does it come to be known" (V. 7).

Her dining platter.

(There is another) particular (rule) even in (the Smṛiti of) ANGIRAS: "She shall eat (her food) by (placing it on) her own hand (*b*), or in an 25 earthenware vessel, shall partake of what is (fit to be) Havis, and sleep on the ground. Thus (conducting herself) a menstruating woman attains purification on the fourth day by bathing."

Her bath on occasional circumstances.

93. (There is a) special (rule) even in (the Smṛiti) of PARASARA (*c*): 30 "When a bath occasioned (by a special cause) has to be done, and if (the woman happens to) be in her courses, she shall finish her bath in the water contained in a vessel, and continue to observe her vow. She shall simply dash water on every limb of her body (*d*). She should not squeeze (her) raiment 35 (out), nor should she put on a second (one)."

(*x*) A river, lake, pond, etc.

(*y*) This is given on the authority of the text found in the Bombay edition of VASISTHA.

(*z*) Buhler has 'rope' here.

(*a*) Buhler simply has 'a copper vessel.'

(*b*) That is, she should not use plates or the like.

(*c*) This is not in the text of PARASARA. MADHAVACHARYA also cites this and says it is the text of VYASA.

(*d*) The reading of this found in the Calcutta edition of the Parasara-Smṛiti with the Madhavîya is as follows: *uddhṛitena jalenaiva snâtvâ śeṣam samâpayet, svakam gâtram bhaved adbhis sângopângamalairyutam.* This shows that she should simply dash the water taken out of a vessel on her body, and not sit to rub it well and remove the dirt on it. The above translation has been given with the help of this.

94. A special (rule) is pointed out even by USANAS in this connection: "When a woman whosoever, prostrated with fever, has also the menstrual discharges, how can purity come to her and by what rite is purification effected? When the fourth day comes, another (woman) should touch that woman, and should plunge (herself) in water, with her dress on, and bathing and bathing (again), should touch her every time till (it is) ten or twelve times. (The woman thus touched) should sip Âchamana (water) again and again, and at the end (of the process) (her) clothes should be changed, and then she is rendered pure. Thereafter according to (her) ability, she should make gifts, and then (complete) purification is effected by (the rite of) Puṇyâha."

Purification of a menstruating woman who is ill, by being touched ten times by another woman who bathes as many times.

But this process of bathing might be followed in the case of any one prostrated by illness, for says the text of PARASARA, "If an occasion for bathing arises in the (case of) one who is prostrated by illness, another (person) who is healthy should (bathe) ten times, and touch him every time he bathes, and thence is that person suffering from illness rendered pure."

The above rule general.

95. When, however, the death occurs of a menstruating woman or a woman in her confinement, then the (following) (is the) process of bathing (her dead body): "When a woman in confinement dies how do the ritualists proceed? Taking water in a vessel and the Pañchagavyas (*e*) in the same manner, they (should) sanctify the water with Puṇyarks ('holy texts'), and obtain the sanction of purity with the words (of Brâhmaṇas). They should next bathe (her) with that alone and perform (her) cremation according to the (usual) rules."

Procedure when a woman in her confinement dies.

And in the case of menstruating woman, the following is the process: "And a dead menstruating woman they should bathe with the five Gavyas ('products of a cow's body'), should dress her (corpse) with a fresh raiment, and cremate her with due regard to the (ritualistic) rules."

Procedure when a woman in her courses dies.

SECTION XIV.—THE SETTLEMENT OF THE FIRST DAY WITH REGARD TO IMPURITY.

96. Next if the appearance of the menses, the birth of a child, and the like happen at daytime after sunrise (on any day), then the reckoning of the days and nights of impurity should be begun with that day. But when the appearance of the menses, the birth of a child, etc., occur at the

(*e*) See the Mitâkṣarâ on the verses cccxiv and cccxv below.

The three modes of fixing the first day if the event occurs at night time.

(time of) night, then one rule (laid down) is, that in case the birth of a child, etc., occursbefore midnight, though it extends over a portion only of the first day, then commencing with that as the first day itself the (period) of impurity should be reckoned; a second (rule) is that, the night being divided into three (portions), if the birth, etc., take place within the (space of the) first two portions, then the previous day should be taken; and a third (rule) is (that it is so) if (the event takes place) before sunrise. Thus says KASYAPA: "When, (after) the sun has risen, menses appear in women, the birth (of a child) takes place, or (even a) death, the night belonging to that (period of) day (and night) of which the (preceding) daytime (forms a part), is declared to extend up to that midnight in (calculating impurity with regard to) the birth (of a child), etc. Again, the night is to be divided into three portions and (with regard to the discrimination of the day) of menstruation or birth, the first two parts are united with the preceding day (time) alone, while the last part with the (succeeding) morning. If death, menstruation, or birth takes place at the time of night itself, the preceding day alone should be taken so long as the sun does not rise" (*f*). Of these (alternative) courses, it should be understood, that the (result of) settlement is with reference to the rules of observance (prevailing in respective) countries.

97. Further it should be understood with discrimination that this impurity should be observed commencing with the day of cremation in (case of) the demise of one who is an Âhitâgni, and with the day of death (in the case) of one who is not an Âhitâgni, while (that day of the rite of) gathering the bones should, in both (the cases), be (determined) counting from the day of cremation. Thus says ANGIRAS: "(Counting) with (the day of) the ebbing out of life (in the case) of one who keeps no (Sacred) Fires, and with the rite of cremation (in the case) of one who keeps (Sacred) Fires, purification (should be observed), and (that day of the rite of) gathering the bones (should be determined counting) with the day of cremation, while the day of death (is determined) according to the rules (laid down)."

Impurity begins with the day of cremation in the case of an Âhitâgni and with the day of death in the case of a non-Âhitâgni.

98. As it is stated that (the impurity begins) "With the rite of cremation (in the case) of one who keeps (Sacred) Fires," it must be considered that if a father who kept the (Sacred) Fires should die in a foreign place there is no break of Sandhyâ and the like functions (in the case) of his sons and others till the cremation is performed. Just so has PAITHINASI: "When one who was staying in a foreign country should die, it must be understood that the

The same law.

(*f*) This gives all the three alternatives.

impurity is, in the (case of persons belonging to the) twice-born classes, (commencing) with the (day of the) ebbing out of life if (the deceased) was not an Âhitâgni, and with the (day of) cremation if (he was) an Âhitâgni."

SECTION XV.—AN EXCEPTION TO TEN DAYS IMPURITY IN THE CASE OF UNNATURAL DEATH.

99. In case that owing to the Sapiṇḍa relationship and so on, there would come in ten, etc., days (of impurity), (the sage) states an exception with regard to certain cases on account of peculiarities of death:

XXI (In the case) of those killed by the king, a cow, or a Brâhmaṇa, as well as of suicides (there is impurity only) so long as the body is seen.

Impurity so long as the body is seen in the case of suicide, etc.

A king is a Kṣatriya etc. (*g*) who has had the (ceremony of installing) aspersion. The use of the word 'cow' is to indicate by synecdoche all the beasts possessing horns, fangs, etc, and the employing of the term 'Vipra' ('Brâhmaṇa') is to indicate by synecdoche one born of an extreme caste (*h*). (In the case) of those Sapiṇḍas who are related to those killed by these, (the impurity lasts only so long as the body is seen). Those who willingly destroy themselves by (means of) poison, or hanging, etc., are suicides. The use of the term 'Âtmaghâtins' ('suicides') is for the purpose of indicating, by synecdoche, one who is but a Patita, as understood by the (contiguous) association in the text, "Heretics, those who have no Âśramas, etc." (III. 6). And also (in the case) of those related to them, (the impurity is) *anvakṣa* ('so long as the body is seen'), that is, *anugatam*, following, *akṣam*, sight, that is to say, there is immediate purification. Also (in the case) of those that are related to them (it is) so long as the body is seen, that is to say, the impurity is as long as the eyes come in contact (with the dead body) and not ten days etc. Even so (has) GAUTAMA; "Impurity is so long as (the dead body is) seen (in the case) of those killed by a cow or a Brâhmaṇa, or on account as well of a king's wrath other than in war (*i*), and (in the case) of those who commit

(*g*) See MANU VII. 1, and the commentary of MEDHATITHI thereon which says: "The word 'Râjâ' ('king') is not expressive of a Kṣatriya here, and, on the other hand, it is used to signify a person in whom there is the status (derived) from the ceremony of (installing) aspersion or of the investiture of ruling powers."

(*h*) A Chaṇḍâla also.

(*i*) The reading adopted here is *râjakrodhâchchâyuddhe* of which this is the translation, but the reading found to GAUTAMA and approved by HARADATTA in his Mitâkṣarâ commentary thereon is *râjakrodhachcha yuddhe* of which the translation should therefore be "or on account as well of a king's wrath, (II. v. 9) or in war (II. v. 10). S. gives the latter reading but does not notice the former. It explains *ayuddha*, not *yuddha*, in the very next line.

(suicide) through lying down till death, famishing (one's self to death), by (means of) weapon, fire, poison, water, strangling, falling down from heights, etc." (II. v. 8-11).

Accidental death and death of wound received in war.

The use of (the word) 'wrath' is for the purpose of excluding such as are killed by accident, and the use of (the expression) "other than in war" is for the purpose of indicating that there is one day of impurity in the case of those slain in war. For says the (text of a) Smṛiti, "(In the case) of those killed for the sake of Brâhmaṇas or of women, and also of those (who die in defending) the cows that are seized and those slain in war as well, the impurity (lasts) for one day."

Instantaneous purity for dying facing the battle.

This however refers to (the case of) one who is dead some time after on account of the very wounds (received at the time) of war, while in the case of him who is slain in the field of battle, there is immediate purification (from impurity). Thus says MANU: "By him who is slain in battle with brandished weapons according to the law of Kṣatriyas a (Śrauta) sacrifice is instantly completed, and so is the period of impurity (caused by his death). That is a settled rule" (V. 98).

SECTION XVI.—IMPURITY WHEN ONE COMES TO KNOW OF THE EVENT SOME TIME SUBSEQUENT TO ITS OCCURRENCE.

100. From the fact that a birth etc. becomes the cause of impurity only (when) known, if (the question of) ten days, etc., would come in even if they are known at a time subsequent to the day of birth, (the sage) lays down an exception:

If (he is) abroad (it lasts for) the remainder of the period, and if (it has) expired, the purification (is after) having poured down water (libation).

The remaining portion of the period of impurity brings down purification.

In (the case of) that Sapiṇḍa who is abroad, (that is,) who has gone to a foreign place, and who, in staying there, cannot learn (the news) of the birth of a Sapiṇḍa, etc., (on the very same day on which the event occurs), whatever is the remainder of the period (of impurity) that is specified as ten, etc., days, (that is,) whatever is left unexpired (of it), that alone is necessary and sufficient to bring down purification. If, however, the period of impurity which is of the nature of (being) ten, etc., days has expired, one becomes pure after having poured down water (libations) to the deceased. And as the water libation is to be preceded by bathing (it comes to mean that) having bathed and poured down

water (libations) one becomes pure. It is thus said by MANU: "A man who hears of an agnate relative's death, or of the birth of a son, after the ten days (of impurity have passed), becomes pure by bathing along with his garments" (V. 77).

There is no birth-impurity to the Sapiṇḍas after the usual period has elapsed.

101. As (the text), "If (it has) expired, the purification (is after) having poured down the water (libations)," is a rule laying down that the purification from an Âśaucha ('impurity'), the period of which is attended by pouring down water (libations) to the deceased, it is understood that when there is a birth, there is no impurity in the case of the Sapiṇḍas after (the usual period has) elapsed. In the case of the father, however, there is certainly bathing even after the lapse of ten days when there is a birth (of a son to him). For says the text, "Having heard the birth of a son, etc." [one attains purification by bathing along with his clothes] (MANU V. 77).

102. And this emloying of the term 'Putra' ('son') is to indicate that when there is a birth, there is no impurity (with regard) to the Sapiṇḍas after the usual period has elapsed. Otherwise (the sage) ought to have stated, "A man who hears of a (Sapiṇḍa) relative's death or of a birth after the ten days (of impurity have passed)." And it is not stated (so). Just so has DEVALA: "Even when the days (of impurity) have expired, there is no impurity." Therefore, it is settled that in the case of death only there is impurity after (the usual period has) elapsed.

Death impurity after the usual time has elapsed.

102. Some adopt the (following) altered reading of this verse: "When one (who) has gone abroad dies, the period of impurity is in the case of all lasts for the remainder of the period, and if there is no remainder (then it is) certainly (for) three days. But if one year has ended (then the purification is with) pouring down water (libation)" (*j*). If one who has gone abroad dies then in the case of all, (that is,) Brâhmaṇa, Kṣatriya, etc., irrespectively, the remainder of the period (of impurity) brings about purification. But when there is no remainder (of the period), (that is,) if ten days, etc., have elapsed, (then in the case) of all, the impurity is only (one of) three days. If, when one year has ended, (after his death the news of) the demise of one who had gone abroad, comes to be known, then every one, (that is,) Brâhmaṇa etc., shall bathe, pour down water (libation), and hence become pure. Just so (has) MANU: "If one year has elapsed (since the occurrence of death) he becomes pure by mere bathing" (V. 76).

103. The (impurity of) three days, it should be noticed, (applies to a case where) ten days have elapsed and (it is) within three months after (the event), while the immediate purity aforesaid, it should be noted,

(*j*) This is the reading adopted by APARARKA.

If the news of a Sapiṇḍa's death comes after ten days the impurity is for three days if within three months; for a Pakṣiṇî if within six; for one day if within nine; and is removed by mere bathing after that.

(applies to a case) where (it is) nine months after (the event) and within a year. (There is) again the text of VASISTHA which (runs thus), "(It lasts for) one (day and) night if one hears it after ten days" (IV. 36), and that (refers) to a time which is 5 six months after (the event) and is within nine (months). There is also a text of GAUTAMA which (runs thus), "And having heard it after ten (days) it is a Pakṣiṇî" (II. v. 17), and it refers (to a time) after three months and previous to (the ending of) the sixth. Just so has VRIDDHA-VASISTHA 10 "(The impurity is for) three (days and) nights if (within) three months, and, likewise, if (within) six months it is a Pakṣiṇî. But prior to the (completion of the) ninth (month) it is a day, and (one) becomes pure by bathing after (that)." This, however, refers to (a case) other than (the death) of the parents. For says the text of PAITHINASI: "If the parents 15 die a son, though (he) stays in a distant place, shall, when he hears it, beginning with that day, remain impure for ten days." And likewise, even in another Smṛiti (there is this text): "Even though it is past one year, the obitual rites shall according to the rules be 20 performed by (a son) where the Great Guru dies (*k*) wearing wet cloth." The meaning is that (in the case of a parent's death) though it is beyond a year, the obitual rites, observing impurity, pouring down water (libation), etc., shall be done, and there is no purification by mere bathing.

Always ten days in the case of the death of parents.

104. Even in (the case of death of a) father's wife who is other 25 than one's own mother a special (rule) has been laid down in another Smṛiti: "If a father's wife excluding one's own mother dies, the best of the regenerate classes should observe impurity for three days even though a year has elapsed." 30

Three days where a mother's co-wife is dead more than a year.

105. But when one dies in a foreign place separated by a river and the like, then there is immediate purity (in the case) of his Sapiṇḍas (if the news is learnt) after ten days even though (it is) prior to three months. (It is thus stated) "Having heard of the death of 35 one in a foreign place, when a eunuch, a Vaikhânasa ('hermit'), or a Sannyâsin dies, or when there is a case of miscarriage, those belonging to the Gotra are purified by bathing."

Immediate purity after ten days if one has died in a place separated by a river.

And the definition of a foreign place has been given by BRIHASPATI: "Where a big river intervenes or a mountain range 40 separates, or where the language is different, that is called a foreign place. Some opine that that is

Definition of a foreign place.

(*k*) Father. The original has 'Mahâguru,' the father being the greatest of the Gurus.

a foreign place which is separated by sixty Yojanas (*l*), (by) forty say others, and (by) thirty itself some others likewise."

106. Next this observing of impurity (after the usual time has) elapsed is referring to the (demise of) one who had been initiated into Brahmacharya, and does not refer to that case also where impurity is 5 to be determined by the peculiarities of the age (of the deceased). Just so has it been stated by VYAGHRAPADA: "The impurity (determined) by the age (of the deceased) is the same for all the (Varṇas) and it is exactly so even with (regard to) that to be observed after the usual period has elapsed. But 10 the different (periods prescribed hold good) in the (case of death of one) initiated into Brahmacharya, and that (to be observed) after the usual time (is in the case of death) of him alone." What it means is this: That (period of) impurity (which is determined) by the age (of the deceased), 15 (that is to say,) that which has been ordained by such texts as, "(It is) instantly (if one dies) before the teeth are cut" (III. 23), is the same for all irrespective (of their Varṇas, that is, it holds good in general for) Brâhmaṇa and other Varṇas equally. And when ten days etc. (forming the usual period in each case) have elapsed (there is) that impurity (which is 20 described as) lasting for three days or the like (from the time of knowledge), and even that refers (to the case) of all (the Varṇas). But when one (who has been) initiated into Brahmacharya dies the fact, (namely,) that the period of impurity lasts for ten, twelve, and fifteen, and thirty days, (is with regard) to Brâhmaṇas etc. (in order). And of him alone, 25 (that is,) in (the case of) the death of him alone who has been initiated into Brahmacharya, that resulting after the usual time, (that is to say,) the impurity which (affects) after the lapse (of the usual period of ten, etc., days) does come in, but not that (determined) by the age or condition after the lapse of the usual period. 30

Impurity after the usual time is only in the case of the demise of one who had been initiated.

SECTION XVII.—IMPURITY IN THE CASE OF KṢATRIYAS, ETC.

107. With reference to the Kṣatriyas, etc., (the sage) lays down an exception to the (rule, that in the case of) Sapiṇḍas impurity (lasts for) ten days:

XXII. (In the case) of a Kṣatriya, it is twelve 35 days, and (is) but fifteen (in the case) of a Vaiśya. In the case of a Śûdra, (it is) thirty days, and (just) half of it (in the case of) him who takes to a right course.

(*l*) A Yojana is about 8 English miles.

(In the case) of Kṣatriyas, Vaiśyas, and Śûdras, when a Sapiṇḍa is born or when one dies, twelve, fifteen, and thirty days are respectively (the periods of) impurity. But (in the case) of a Śûdra who takes to a right course, (that is,) of one who is devoted 5 to the (performance of) Pâkayajña, service to Brâhmaṇas, etc., impurity (is) just half of it, (that is,) half of that one month, (which means) fifteen (days and) nights. Thus, therefore, that (period of) impurity (which lasts for) ten (days and) nights as prescribed by (the text) " three (days and) nights or ten days *etc.*" (III. 18), is settled (as 10 referring) to the case of Brâhmaṇas by the law of Pariśeṣa ('remainder'.)

Twelve days in the case of a Kṣatriya, fifteen in the case of a Vaiśya, and thirty in the case of a Śûdra.

108. But in other Smṛitis, such rules as lay down ten, etc., days of impurity with regard to Kṣatriyas, etc., are also observed. Thus says PARASARA: "And a Kṣatriya who is occupied in his own calling is puri- 15 fied with ten days, and likewise a Vaiśya might attain purity with twelve days." Just so has SATATAPA: "In (case of) death-impurity a Kṣatriya is purified with eleven days, and a Vaiśya likewise with twelve days. And a Śûdra is purified with twenty days." And VASISTHA has: "A Kṣatriya (becomes pure) with (the lapse of) 20 fifteen (days) and nights and a Vaiśya with twenty (days and) nights" (IV. 28-9). ANGIRAS, on the other hand, says, "(With respect) to all the Varṇas, in (the case of) a birth or likewise death, purification is with ten days with regard to these (Sapiṇḍas), and so has ŚATATAPA said."

VIJNANESVARA does not settle these sundry diverse rules.

Thus in this manner, several and diverse rules with regard to 25 impurity have been laid down, but as there is no observance of them by the righteous in the world, no settlement (of their application) will be established here inasmuch as an attempt to establish them cannot tend to serve any high purpose.

109. When, however, a Kṣatriya, etc., are Sapiṇḍas to Brâhmaṇas 30 etc., then that rule of impurity ordained by HARITA and others should be followed: "In case of a birth or death of a (Sapiṇḍa) among his own caste, a Brâhmaṇa is purified with (the lapse of) ten days, and with six, three, and one (if it is) among Kṣatri- 35 ya, Vaiśya, and Śûdra castes." VISNU also says, "When (his) Vaiśya and Śûdra Sapiṇḍas (are born or dead) (then the purification is) with six (days and) nights and three (days and) nights (in the case) of a Kṣatriya; and when (his) Śûdra Sapiṇḍa (is born or dead) purification is with six (days 40 and) nights in the case of a Vaiśya." (XXII. 23-4) (*m*).

In the case of Kṣatriya, Vaiśya, and Śûdra Sapiṇḍas six, three, and one days for a Brâhmaṇa; of a Vaiśya and Śûdra Sapiṇḍas six and three days for a Kṣatriyaś; and of a Śûdra Sapiṇḍa six days for a Vaiśya.

(*m*) Jolly's is a slightly altered version.

But (with regard to men) of inferior Varṇas when the Sapiṇḍas of (their) superior castes are born or dead, the purification is with the expiry (of the period of impurity) of those (superior castes.) But it has been thus stated by BAUDHAYANA (that it lasts for) ten 5 days irrespective (of castes): "Whoever of Kṣatriya, Vaiśya, or Śûdra castes are (Sapiṇḍa) relatives of a Brâhmaṇa, (in case) of impurity (resulting from) their (birth or death) purification of a Brâhmaṇa is declared to be with ten days." Of these alternatives the settlement (of application) is (that they) refer to the times of difficulty 10 or not difficulty.

The period prescribed for their superior Varṇas is to be observed by the Sapiṇḍas of inferior Varṇa.

110. Now in the case of female slaves etc., touchableness is with the (period of) purification of their master, but the condition of absence of right to religious duties is certainly lasting for one month. Thus says ANGIRAS: 15 "Every one, a female slave or a male slave, (to one) of whichever Varṇa he is (a slave), the purity (in her or his case) (is) with that prescribed for that Varṇa. But the birth-impurity to a female slave is one month."

Slaves purified with the period of impurity prescribed for their master.

111. But in the case of those born of (mixed unions in) contrary 20 gradation there is no impurity whatever, for says the text of a Smṛiti: "Those born (of prohibited unions) in the reverse order (of castes) are out of the (pale) of Dharma" (*n*). Only in the case of a death or birth (among them) there is of course (a process of) purification 25 for the removal of taint as in the (case of) discharging urine and fæces.

No impurity when there is a death or birth among the Pratilomas.

SECTION XVIII.—THE NATURE OF IMPURITY ON ACCOUNT OF THE PARTICULAR NATURE OF AGE ETC.

112. (The sage) now states an exception to the (rule of) ten etc. days of impurity on account of the peculiarities of age and condition: 30

XXIII. (It is) instantly (if one dies) before the teeth are cut; it is declared as lasting for a (day and) night till the ceremony of tonsure, three (days and) nights until the vows (of Brahmacharya are) imposed, and ten (days and) nights thereafter. 35

(*n*) N. says this is the text of MANU. All other editions say that it is a text of a Smṛiti. It, however, occurs in GAUTAMA as IV. 20.

Immediate purification if the teeth are not cut, one day before tonsure, three days before initiation, and ten days thereafter.

There is purification forthwith (in the case) of relatives of that boy who dies within that time which is necessary for the cutting of the teeth. (In the case) of the relatives of one who dies prior to the ceremony of tonsure, it is lasting (for) a (day and) night, (that is,) 5 coming (to an end) with a (day and) night, (that is to say,) the impurity extends over a day and night. The imposing of vows (of Brahmacharya) is initiation into Brahmacharya, and (in the case) of him who dies before that but after the ceremony of tonsure, the impurity (lasts for) three days. 10

113. Although it is mentioned here without any specification that (the purification is) instantly before the teeth are cut, yet it must be noticed (that it holds good) (when the dead body of the child) was not cremated in fire. For in the text of VISNU that immediate purity is prescribed in (the case of death of) him who has had no 15 cremation in fire: "If a boy who has cut no teeth dies, (there is purification) forthwith, and there is neither cremation in fire (for him) nor offering of water (libations)." If, however, cremation in fire has been (performed) then it lasts for a day as will be laid down in (the following text): "And 20 it is a day in the (case of) girls that are not given away (in marriage) as well as (of) boys" (III. 24). Just so has YAMA: "If a son who has not yet teethed (dies), a child (dies), (or there is) miscarriage likewise, (there is) impurity for a day and night (in the case) of all the Sapiṇḍas." It is settled that there shall be immediate purity itself before the 25 ceremony of giving a name (to the child) is performed. For says the text of ŚANKHA: "Immediate purification (can be attained) before the ceremony of giving a name (is performed)."

Immediate purification in case there was no cremation of the child.

114. And the ceremony of tonsure is enjoined by the Smṛiti during the first or the third year. For says the (text of) a Smṛiti: "The cere- 30 mony of tonsure (in the case) of all the regenerate classes alike, shall, as a matter of Dharma, be performed during the first or the third year, for that is ordained by the Śruti." Thus, therefore, (the impurity lasts for) one day (if one dies) after the teeth are cut but before the ceremony of tonsure (that 40 might be performed) during the first year. But when the ceremony of tonsure (has) not been performed at that (time), although the teeth are cut, yet (the impurity is) one day alone till (the completion of) the third year. Just so has VISNU: "In (the case of death of) him who, though he has cut the teeth, has not had the ceremony of tonsure, (the purification 45 from impurity is) with (the lapse of) a day and night. Subsequent to that (ceremony of tonsure) and before initiation into Brahmacharya (the impurity lasts for) three days. (There is), however, that text of MANU which says, "(On the death) of children whose tonsure has not been performed,

The ceremony of tonsure during the first or the third year.

the (Sapiṇḍas) are declared to become pure in one (day and) night, but (on the death) of those who have received the tonsure (but not the initiation, the law) ordains (that) the purification (takes place) after three days" (V. 67), and even that refers to this same case.

115. Next by (MANU) himself it has been stated thus with reference to one who is under two: "Leaving it like a piece of wood in the forest, (the relatives) shall remain impure during three days only" (V. 69)(*n*); also there is (this) text of VASISTHA: "On the death of a child of less than two years, or on a miscarriage, (the impurity) of the Sapiṇḍas (lasts for) three days" (IV. 34); and both (of them are stated) with reference to (the death of one whose) ceremony of tonsure (has been performed during the first) year. Further (there is this) text of ANGIRAS: "If one who has teethed of course but has not had the ceremony of tonsure dies one shall, nevertheless, cremate him (in fire) and observe (impurity) for three days." It should also be noticed (that this refers) to a case where preference is given to the (age of) the ceremony of tonsure after the close of the third year in accordance with the family custom, for it is stated by him himself thus: "But when a Brâhmaṇa under three dies, impurity lasts for a (day and) night."

Other texts referring to the case where tonsure had been performed during the first year or after the third year.

116. It should not be wrongly supposed that this (impurity lasting) for one day (refers) to the case (where one dies) without having cut the teeth, for it is not possible that the teeth are not cut by one who is (slightly) under three. And likewise it is hardly possible to remove the conflict with the text of VISNU, who lays down one day (of) impurity (in the case) of him who has not had the ceremony of tonsure though he has cut the teeth. Therefore, the former explanation alone is better. Again (there is) this text of KASYAPA, "Purification is with three days (on the death) of boys who have not cut the teeth," and it refers to the father and mother (of the deceased). For (impurity) for three (days and) nights is enjoined by the text on the special reason of relationship existing between the procreated and the procreator thus: "Having dropped his semen (into the womb), a man is purified by bathing. On account of (this) connection through the procreating seeds he shall observe three days' impurity."

A query answered.

117. Thus, therefore, the following is (conclusive) idea: Previous to the ceremony of giving a name, the purification is immediate; and thereafter, but prior to the cutting of the teeth, (the impurity lasts for) one day if there is cremation in fire, and immediate purification if otherwise. (In the case) of him who has had teeth and (dies) previous to the ceremony of tonsure (that might be performed) during the first year, (the impurity lasts for) one day. And after the first year and up to the end of the third year, (the

Summing up of settled facts.

(*n*) See under III. 1-2.

impurity lasts for) three days in the case of him who has had the ceremony of tonsure, and of any other it is one day. After the (end of the) third year (it lasts for) three days (even in the case) of him who has had no ceremony of tonsure. After initiation into Brahmacharya it is ten days etc. in the case of all, the Brâhmaṇas etc. 5

SECTION XIX.—IMPURITY IN CASE OF A WOMAN'S DEATH.

118. (The sage) now lays down an exception in the case of women with respect to age and condition :

XXIV. Purification on (the death of) girls not given away (in marriage) as well as in (that of) boys (is 10 with) one day.

The girls not given away (in marriage) are those who are unmarried, and in the case of such girls, if they have had the ceremony of tonsure (*o*), one day and night, when (the death is) before the verbal troth, is essential for complete purification in case of the Sapiṇḍas. 15 The Sapiṇḍa relationship (with reference) to girls extends to three generations only. For says the text of VASISTHA : "It comes to be known that (in the case) of unmarried (*p*) damsels (Sapiṇḍa relationship is) extending only to three generations." 20

One day in case of death of unmarried damsels.

In the case of boys who have not yet cut the teeth one day is essential for complete purification in case there is cremation in fire.

Boys.

119. But if the damsel happens to be one who has not had the tonsure, (there is) purification instantly (*q*), for says 25 the text of ÂPASTAMBA :—" If the damsel, however, has had no tonsure, immediate purification is ordained."

A damsel who has had no tonsure.

120. But if it is after the betrothal and previous to the sacrament (of marriage), (the purification is) with three days on the side of the 30 bridegroom as well as on the side of the father. Thus says MANU : "(On the death) of females (betrothed but) not married, (the bridegroom and his) relatives are purified after three days, and the paternal relatives become pure according to the same rule" (V. 72). The "relatives," (that 35 is to say,) those on the bridegroom's side are purified after three days. But the parental relatives (are) the Sapiṇḍas on the father's side, (and

Three days' impurity on both sides if a betrothed damsel dies.

(*o*) Family custom allows cutting of the hair of girls during the first year in some cases. It is of course done without the Mantras.

(*p*) The Bombay edition of VASISTHA reads *Prattânâm*, married damsels.

(*q*) S. omits the portion of which "But if the damsel.........purification instantly" is the translation.

they are purified) according to the very same rule, which has been laid down as (in the case) of (damsels) who have had tonsure etc.," and (presents) a feature of (prescribing an impurity for) three (days and) nights and not a feature of (laying down) ten (days and) nights because that is improper before the (sacrament of) marriage. It is with this 5 very view that MARICHI has, "Whoever is given away to the accompaniment of water (pouring) but is not at all established (in wifehood), she should be known as having had no sacrament (of marriage), and it is declared that (on her death, impurity lasts for) three days on both (sides)." "Both sides" (means) on the side of the bridegroom as well as 10 that of the father.

No impurity for the Sapiṇḍas if a married woman dies.

121. Next, if it is after the (sacrament of) marriage a special (rule) has been laid down by VISNU thus: "If females are married (then there is) no impurity on the father's side. But if at their father's house they 15 bring forth a child, or die (themselves) then (the impurity lasts for) one (day and) night or three (days and) nights" (XXII. 33-4) (r). Of those (two periods of impurity) the settlement is (that) if (there is) a child-birth (it is) one day, and (in case they die) three (days and) nights.

122. And these (periods of) impurity (as determined) by age and 20 condition are common to all the Varṇas, for (the texts relating to them) have not been laid down with express mention of the Varṇa (to which they ought to refer if they were not general,) as (for example, the following text) "(In the case) of Kṣatriyas it is twelve days, *etc.*" (III. 22) is (rr).

The impurity determined with reference to age and condition is common to all the Varṇas.

Thus, therefore, in order to establish that the rules 25 of impurity laid down without any specification of the Varṇa, refer in common to all the Varṇas, it has been stated thus afresh by MANU, although (the context suggests) the hypothesis (that they are said with reference to) the four Varṇas: "(In the case) of all the four Varṇas, it is as (said) in due 30 order." In the (very) same way has it been stated by ANGIRAS also: "It is ordained that, irrespective of Varṇas, purification is with three (days and) nights (on the death of) persons previous to the ceremony (of sacraments), and on the (death of) maidens with one day." And the text of VYAGHRAPADA, (namely,) "(The impurity determined by) the age (of the 35

(r) Jolly's translation, on the authority of NANDA-PANDITA, is as follows: "If they happen to stay at their father's house during child-birth, or if they die there, (their distant relatives are purified) in one day, and (their parents) in three nights."

(rr) The text adopted here *itivat varṇa-viśeṣa-upâdânena na vidhânât.* The other reading found in G. and N. is *iti tad-varṇa-viśeṣa-upâdânena abhidhânât,* in which case the translation ought to be, 'for (the text which should refer to the particular Varṇa) has been stated with (particular) reference to the Varṇa as "(In the case) of *etc.*' S. reads *itivat varṇa-viśeṣa-upâdânena-abhidhânât* which, however, makes no meaning. It, however, notices *na vidhânât,* the correct portion in the footnote.

deceased) is the same for all (the Varṇas) *etc.*" has (already) been explained before. Thus, just as the rule relating to the offering of Piṇḍas and water and running thus, "After the rule of Piṇḍa-yajña should be placed *etc.*" (III. 16), is common to all the Varnas; or just as the rule relating to impurity (in the case of) Samânodakas as well as the rule relating to 5 intervening impurity stated in "If in the meantime (occurs) a birth (or) death" (III. 20); or as the rule of impurity (in the case of) a miscarriage ordained in "In (case of) a miscarriage (the number of) nights equal to the months etc." (III. 20) as well as the rule relating to impurity is with respect to him who stays in a foreign place as enjoined in, "If (he is) 10 abroad (it lasts for) the remainder (of the) period, and if (it expired), the purification (is after) having poured down water (libation)" (III. 21); or just as impurity (on the death) of Gurus *etc.* is common to all the Varṇas, even so (that) impurity too consequent upon the (peculiarities of) age and condition is common to all the Varṇas. 15

Thus, therefore, by (such) great teachers (as) DHARESVARA, VISVARUPA, MEDHATITHI, and others, this very view that these rules refer in common (to all the Varṇas) is held after disregarding the following texts of ṚISYSRINGA etc., on the belief that they are stated in an unusual way: "It is described that among the Kṣatriyas if one who has had the ceremony 20 of tonsure (dies), (the purification is) with six (days) (in the case of Kṣatriya Sapiṇḍas), and if among the Vaiśyas nine. It is declared that in case of a Śûdra, if the third year (of the deceased) had been completed (the impurity lasts for) twelve days"; similarly, "In whatever (cases) a three days' impur- 25 ity is noticed (in the case) of Brâhmaṇas, in those (very cases it lasts for) twelve days in the (case of a) Śûdra, and (for) six and nine in (the case of) a Kṣatriya and Vaiśya (respectively)"; and the like texts.

The support of DHARESVARA, VISVARUPA, MEDHATITHI, etc.

Although these rules that have been stated in an unusual way (yet they) are to be explained as referring to cases where a Kṣatriya etc. is 30 under distressed or undistressed (conditions).

SECTION XX.—OTHER CASES OF ONE DAY'S IMPURITY.

123. (The sage now) extends (the rule of impurity for one day) to (the death of) a preceptor etc.:

(Also in the case of death of) a Guru, a disciple, an 35 Anûchâna, a maternal uncle, and a Śrotriya as well (the purification is with one day).

A Guru is a preceptor; a disciple a pupil; and an Anûchâna a teacher of the Aṅgas. By the use of the term 'Mâtula' ('maternal uncle') are indicated by synecdoche one's own relatives, relatives on the 40

mother's side, and relatives on the father's side, related to him by blood, and they have been explained in conection with "The wife, the daughters, *etc.*" (II. 135). A Śrotriya is he who studies (only) one branch (of the Vedas), for says the text of BAUDHAYANA "One is a Śrotriya (by) having studied the same branch (of the Vedas). If these die, the impurity lasts for a day and night." 5

Definition of Guru, disciple, etc.,

124. If he, however, who is the principal Guru, (that is,) father, dies, (the impurity) of course (lasts for) ten days because of the Sapiṇḍa relationship (between the father and the son). But if that father who begets children, 10 performs the purificatory ceremonies to them, teaches them the Vedas, makes them understand the meaning of the Vedas, and provides them with an occupation should die, because of his being a Mahâguru, what is ordained by ÂSVALAYANA as, "Or twelve days they shall give up gifts and Vedic study in the (case of) demise of the 15 Mahâgurus" (IV. iv. 17), shall be taken to hold good. And in (the case of) an Achârya's death, it is of course three (days and) nights. Just so has MANU said: "They declare that when an Âchârya ('teacher') has died, the impurity (lasts) three days; if the (teacher's) son or wife (is dead, it lasts) 20 a day and a night, that is a settled (rule)" (V. 80). When, however, (he) performs the rite of Antya Iṣṭi (in honour) of the death of an Âchârya etc., the impurity (lasts) ten days. For it has been stated by that very (authority) thus: "A pupil who performs the Pitṛimedha (rrr) for his deceased teacher, becomes also pure after ten days, just like those who 25 carry the corpse out, (to the burial ground)" (V. 65). (And) (in case) a Śrotriya (has died), this impurity (holds good) if he had lived in the same village as one's own self. For says the text of ÂSVALAYANA: "(It is for) one day in (the case of the decease of) a 30 fellow-Brahmachârin as well as in (the case of) a Śrotriya living in the same village" (IV. iv. 26-7). A fellow-Brahmachârin is he who is initiated by the same Âchârya (as himself).

Ten days' impurity in the case of father, and twelve days in the case of a Mahâguru.

When an Âchârya dies, three days.

When a Śrotriya or a fellow Brahmachârin dies, impurity lasts for one day.

125. Now it should be noticed (that) this refers (to cases) where (the death takes place when) one is not near. But if (the deceased is) 35 near them, then with respect to a disciple etc., it is three (days and) nights, and so on. Just so has MANU: "For a Śrotriya who stays close to him (s), a man shall be impure for three days; for a maternal uncle, a pupil,

The above refers to deaths when one is not near.

(rrr) This seems to be one of the Kâmya-Iṣṭis occurring in the Kâṇḍa ('section') known by that name, and beginning thus: "He whose agnates die shall make an offering to INDRA and AGNI with (offering materials in) eleven bowls." See commentaries on JAIMINI, III; I i. 10.

(s) Buhler has 'resides with (him out of affection.)'

officiating priest, or a relative (*t*) for one night together with the preceding and following days" (V. 81). "Stays close to him" (means) if he was attached to him by affection, neighbourhood, etc., or possessed of good conduct. The use of term 'Mâtula' ('maternal uncle') is for including by synecdoche mother's sister etc. The term 'Bândhava' ('relative') 5 signifies one's own relative, a paternal relative, and a maternal relative. Even so (has) BRIHASPATI: "One shall be impure for three days in (case of death of) a maternal grandfather, an Âchârya, and a Śrotriya."

126. Thus has PRECHETAS: "One is purified with three (days and) nights if a Ṛitvik or one at whose sacrifice one would have officiated 10 dies."

Several other cases necessitating a day and a half.

Even so has VRIDDHA-VASISTHA: "If a daughter's son or a sister's son should die, one should remain impure, for one night together with the preceding and following days. And if he is initiated (into Brahmacharya) 15 (it) shall be three days. Thus is the Dharma settled. But on the demise of parents how shall it be (in the case) of married women? The venerable YAMA has stated that the purification is with three (days and) nights alone. And in the (case of the death of) parents-in-law, a sister, a maternal uncle's wife, a maternal uncle, and likewise parent's 20 sisters, one should observe (impurity for) a night together with the preceding and following days."

Likewise (there is this): "If a maternal uncle, a father-in-law, a friend, a preceptor, preceptor's wives, and also a mother's mother should die, (one should remain) impure for a night together with the preceding 25 and following days."

GAUTAMA too has thus: "One night together with the preceding and following days (one should remain impure) when a relative who is not a Sapiṇḍa-kindred (*u*) or a fellow-student dies" (II. V. 18). Kindred persons are a maternal uncle, a mother's sister's son, a father's sister's son, *etc.* 30

So (has) JABALI: "It is declared (that the impurity lasts for) three days with regard to the Samânodakas, and a day with regard to those of the same Gotra, and so in (case of the death of) one related through the mother, a preceptor, a friend, and an emperor." VISNU (has this): "(Impurity is) a day and night if a man who is not one's own Sapiṇḍa dies at 35 his house" (XXII. 46). Likewise (says) VRIDDHA: "If a sister who (has) had the sacrament (of marriage), or her brother who is initiated (into Brahmacharya), a friend, a son-in-law, a daughter's son, a sister's son, a brother-in-law or even his son should die one is purified instantly by bathing. If the lord of a village, a Kulapati, or a Śrotriya, one who con- 40 ducts austerities, and a disciple should die, purification is by looking into the stars. As long as the corpse of any one stays in the midst of a village,

(*t*) "A maternal relation."— Buhler.

(*u*) Buhler has "a relative by marriage" which however is ambiguous.

there is impurity to the village so (long), and when it is taken out, it becomes pure."

This and the like are the Smṛiti texts which deal with particular (cases of) impurity should be looked for, and gleaned (from several other Smṛitis), and are not given here for fear of increasing the bulk of the work. If these conflict with one another in tending to lay down a greater or less (period of) impurity with reference to (one and) the same case, it should be observed that the decision with regard to their application is with regard to one's staying near or at a foreign place.

127. And more:

XXV. (The impurity lasts for one day) in the (case of death of) non-Aurasa sons and wives who have associated themselves with others (*v*).

"(A day) and night" comes in by the context. The sons who are non-Aurasas (are) Kṣetrajas, adopted sons, and so on, and if they are born or dead impurity (lasts) a day and night. And likewise also in the (case of) death of one's own wives who have associated themselves with others, (that is,) in case (one's own wives) who associate themselves with another man other than a Pratiloma should die, (the impurity) is only one day and night and not ten (days and) nights though Sapiṇḍaship exists. And in the (case of death of one's wives) who have associated themselves with Pratilomas, there is no impurity whatever, for that is excluded from the text, "Heretics, those who do not take to Aśramas suited to them, thieves, *etc.*" (MANU V. 90).

One day in case of death of non-Aurasa sons and adulterous wives.

128. And as with regard to the words 'wifehood' and 'sonship,' there is a feature of their being terms (indicative) of relationship, this (sort of) impurity is only (in the death) of that person whose wifehood or sonship does not (really) exist. And with regard to the Sapiṇḍas (of such) there is absolutely no impurity. It is with this very (view) that PRAJAPATI has said thus: "When a wife who associates herself with another or sons begotten on other men's wives (should die), then the Sagotras are rendered pure by bathing, and that father with (the lapse of) three days alone." Whomever adulterous women, etc., associate themselves with, that man (shall remain) impure for three days alone. Thus says VISNU: "If sons other than Aurasa sons have been born or have died, and if wives who had been another's before have been delivered of a child or have died," *etc.* (XXII. 43) (*w*). The context here is three (days and) nights.

This impurity affects only the father and the husband and not the Sapiṇḍas.

(*v*) Some editions give this and the succeeding half verse together.

(*w*) Jolly has "sons other than the sons of the body" and "wives who had another husband before."

The decision with regard to these (periods) of three (days and) nights and one (day and) night is with reference to one's being near (to the dying person), or in a foreign place. When (the impurity is for) three (days and) nights with respect to the father, it is one (day and) night with respect to the Sapiṇḍas. Thus says MARICHI: "Where women who had been another's before are delivered of a child, or are dead, (the period of impurity is three days and) nights. And when (the impurity is for) three (days and) nights with respect to the father, it is one day with respect to the Sapiṇḍas." 5

An agreement between these two views.

129. And more: 10

If the king of the land is dead that day is sufficient to bring about purification.

It is called Nivâsa ('one's place') because it is a place wherein he dwells, and it (thus) signifies one's own country. Whoever is the king of that (land), (that is,) the lord and master of that country, (if he should die), then that day alone on which (day) he dies is sufficient to bring about purification. And if he should die at the night time then that night itself (is sufficient). It is with this very (view) that MANU says: "If the king in whose realm he resides is dead, (he shall be impure) as long as the light (of the sun or stars shine)" (V. 82). The expression "as long as the light (lasts)" indicates the period during which there is light, (and for that very period lasts) the impurity also. The idea is, if (the event occurs) during the day, (then it is) so long as the sun can be seen, and if at night as long as the stars can be seen. 15 20 25

One day in case of death of the King.

SECTION XXI.—IMPURITY FOR FOLLOWING A DEAD BODY.

130. The sage now describes impurity consequent upon following (a corpse):

XXVI. Neither a Śûdra nor one of a regenerate class shall be followed by a Brâhmaṇa in any case. 30 And having followed, (he who follows) is purified (after) having bathed in water, touched fire, and drinking ghee.

By a Brâhmaṇa who is not his Sapiṇḍa, a person of a regenerate class, a Brâhmaṇa etc. or Śûdra shall not, (when dead,) be followed (to the crematory.) If, however, one does follow (being) actuated by friendship 35 etc., then he shall bathe in water standing in a tank or the like, touch fire, and drink ghee, and is (thus) purified. And as there is no authority to regard this drinking of ghee as an act of dining, there is no prohibition with regard to the partaking of (the usual) meal. 40

Bathing and drinking ghee for following a corpse to the crematory.

131. This refers to a case of following one of a caste equal or a superior (to that of him who follows). Thus says MANU: "Having voluntarily followed a corpse, whether (that of) a Jñâti ('kinsman') or not a kinsman (*x*) he becomes pure by bathing along with (his) clothes, by touching fire, and partaking of ghee" (V. 103). Jñâtis ('kinsmen') are the mother's Sapiṇḍas. And with regard to others there is no taint as (following the corpse) is (in itself) ordained.

Bathing, etc. for following a corpse of an equal or superior caste.

132. But in (the case of) following one (whose) caste (is) inferior (to one's own) what is said in other Smṛitis should be noticed. There in following (the corpse of) a Śûdra, it has thus been ordained by PARASARA: "If any Brâhmaṇa wanting in wisdom would follow a dead Śûdra who is being carried out, he is purified in three days. When three days after (the event) have been spent (that way) he should resort to a river flowing into the sea, (bathe therein), perform one hundred Prâṇâyâmas, drink ghee, and (is thus) well purified."

Three days for a Brâhmaṇa's following the corpse of a Śûdra.

In the case of following a Kṣatriya's (corpse) (it is) a day and night as has been stated by VASISTHA in (the following text): "Impurity (is for) three days (for) having touched a human bone to which (the marrow is) sticking, if that, however, is not sticking (to it) it is (for) a day and night, and also one (day and night) for following a dead body."

One day and night for a Brâhmaṇa's following a Kṣatriya's corpse.

And in following a dead body of a Vaiśya, it is a night along with the preceding and following days. It should likewise be inferred (that) in following (the corpse of) a Vaiśya who comes next to him (in point of caste), there is one day's (impurity) with respect to a Kṣatriya and in following (the dead body of) a Śûdra (between whose caste and his own there is) another intervening, it is a night along with the preceding and following days, and that, when a Vaiśya follows a Śûdra, it is one day."

Inference with regard to a Kṣatriya and Vaisya.

133. Likewise even in (the case of) shedding tears (over the corpse) that (impurity) ordained by PARASKARA (should be noticed to hold good): "Having wept along with the relatives of the dead, (one) shall refrain that day and night from gift as well as (participating in) Śrâddha and the like rites."

In shedding tears over the corpse or decorating it.

And similarly even decorating (a dead body) should not be undertaken, for a penance has been laid down by ŚANKHA thus: "If decorating a dead body is undertaken, (the penance is) a fourth of a Kṛichchhra with respect to one who is not a Sapiṇḍa. And if done unknowingly then (the penance) is fasting, and it is declared that bathing (would do) in (case of) inability."

(*x*) Buhler has "paternal kinsman" but that does not suit the explanation of VIJNANESVARA that follows.

SECTION XXII.—EXCEPTIONS TO IMPURITY IN THE CASE OF DEATH OF SAPINDAS.

134. (The sage) (now) lays down an exception with regard to the impurity affecting the Sapiṇḍas:

XXVII. With regard to the rulers of the earth there is no impurity, and likewise when (men) are killed by lightning or for the benefit of cows and Brâhmaṇas, and also when a king seeks death in war or (for him) whose (purity he is in need of). 5

Of course by the word "earth" the entire earth-globe is signified and, nevertheless, as the quality of being a ruler without a second cannot here be accepted on reasonable grounds, and also in conformity with the plural in the expression, "with regard to the rulers of the earth," it signifies by synecdoche particular territories forming portions of it. There is no impurity with regard to the Kṣatriyas and the like, who are called upon to protect it and have had the ceremony of (installing) aspersion, that is to say, no impurity need by them be observed. In the same way by those also who are the Sapiṇḍas of those that are killed by lightning, and also those who meet with their death for the purpose of protecting the cows and Brâhmaṇas, no impurity need be observed. Whoever happens to be a minister, a Purohita, or the like and the king desires that there should be no impurity (on his part) so that the state counsels, the rites of employing (magic) spells for the extirpation of the enemies, etc.—(acts) which cannot be accomplished by any one else—even he need not observe any impurity. 10 15 20 25

The significance of the term 'earth' here.

No impurity with respect to the kings.

No impurity in the case of those killed by lightning etc.

135. But here whatever, such as the protection of subjects, is ordained particularly (in the case) of rulers of territories, a (duty) which cannot be accomplished without presentations, recognitions (of services) by honouring, good treatment, attending to judicial investigations, etc., with (reference to) those (particular duties) alone there is an absence of impurity and not (with reference), however, to the five great Yajñas etc. Just so has MANU: "For a king, on the throne of magnanimity, immediate purification is prescribed, and the reason for that is that he is seated (there) for the protection of (his) subjects" (V. 94). And GAUTAMA too has stated thus: "Kings remain always pure, lest their business be impeded" (II. v. 45) (y). 30 35

A king is not impure to look to the state affairs and trying law-suits.

(y) Because of the plural in "kings" HARADATTA infers that there is no impurity even with regard to his ministers etc. who are employed in the state administration, and cites MANU thus, "And to those whom the king wishes (to be pure)" (V. 95).

136. Also there is no impurity with (regard to) the king's officers, *etc.* Thus has PRACHETAS declared: "Workmen (z), artizans, physicians, maid and men-servants likewise, kings, and king's officers are declared to be immediately pure. "Workmen" are those who prepare soups, *etc.*, and artizans are painters, washermen, *etc.* And if it is asked as to what this absence of impurity refers, as a notion of business, peculiar to their respective (professions), is connoted by these words derived from (the names of) occupations, it should be noted that (the absence of impurity is) in that matter alone. It is with this very (view) that by stating "(There is) no (impurity) to the kings in (discharging) kingly functions; to those under a vow, in the (matter of) the vow; to the sacrificers in the (matter of) sacrifices; and to workmen, in the (matter of) workmanship" (XXII. 48-51) (a), VISNU points out the absence of impurity as settled with reference to each (particular) matter. It has also been thus stated in the Smṛiti of SATATAPA: "Śûdras who work for pay, and likewise maid and men-servants even, are not tainted with reference to household duties after they have bathed and effected bodily purification."

Artizans, etc., pure with regard to their occupations.

It should, however, be understood that this purification of men-servants etc. refers to the case of touching which becomes unavoidable. It is with this very (view) that (it is laid down) thus (in) another Smṛiti: "A born slave (becomes) fit to be touched instantly, and one who is a servant for food (becomes) pure in three days." And likewise (there is this): "Whatever a physician can do, that is not possible (to be done) by any other, and, therefore, at all times, a physician is pure in (the point of touching)."

137. And more:

XXVIII. To Ṛitviks and also to Dîkṣitas, to those who perform a sacrificial rite and likewise to a Satrin, to one who is under a vow, to a Brahmachârin, to a giver, to a knower of Brahman,

XXIX. (And) in (matters of) gift, marriage, sacrifice, war, calamity to the country, and indeed even at the time of great distress, immediate purification is ordained.

(z) The original term is 'Káru,' and VIJNANESVARA interprets this term as 'a dyer, a washerman, a maker of soups, etc.' in I. 187. Here of course, he says *Kârus* are makers of soups etc., and tries to draw a line between *Kárus* and *Śilpins*, the latter of which he interprets as painters, washermen, etc. *Káru* literally means one who does a thing, and, therefore, to avoid inconsistency, term the 'workmen,' though perhaps not very appropriate, is employed.

(a) Jolly's translation may be compared with this.

Ṛitviks are those who are engaged, provided with, and maintained (*aa*), and are certain functionaries in (performing) Vaitâna, Aupâsana, *etc.* rites. To those that are Dîkṣitas, (that is,) those who consecrate (themselves with) Dîkṣa, and to those who perform sacrificial rites, (that is,) rites relating to a sacrifice, immediate purity is ordained. (The expression), " immediate purity is ordained," is to be taken with all. 5

Dîkṣita.

In the case of a Dîkṣita even though the fitness (to the performance of the rite) is established by the text " Vaitâna and Aupâsana (rites) shall be performed" (III. 17), to say it again is to establish his fitness of performing personally the rites pertaining to the sacrifice, and as well as for ordaining an immediate bath (*b*). 10

Satrin.

By the employing of the term 'Satrin' those that are engaged in an alms-house are indicated by synecdoche on account of the similarity of their being constantly engaged (in their duty), for (that it is so in the case) of those indicated by the primary (sense of the word) 'Satrins' (' those performing a satra-sacrifice ') has been established from the very using of the (word) 'Dîksita.' 15

One who is under a vow.

By the term " One who is under a vow" those that are engaged in Kṛichchhra, Chândrâyaṇa, *etc.* and also those engaged in fulfilling the vow of a Snâtaka and in penances, are signified likewise by employing of the (term) 'Brahmachârin' (c) those to whom the vows of Brahmacharya etc. refer to, (that is,) the performer of a Śrâddha, and one who dines at it are also to be taken. 20 25

Brahmacharin.

Authority of another Smṛiti.

Thus (runs the text of) another Smṛiti : " (In the case) of one who distributes food every day ; also in the case of (performing) Kṛichchra, Chandrâyaṇa, *etc.*, when the Kṛichchhra, *etc.* being over, the Brâhmaṇas are to be fed ; and also of any other who has taken a vow of whichever sort, there is no (impurity). When the Brâhmaṇas are invited and the rite of Śrâddha is begun, with respect to (that) Brâhmaṇa who is invited, is always given to the study of one's own branch of Veda, *etc.*, and in whose person are invoked the manes there is no impurity in any case. And likewise (it is) with respect to those who are engaged in (performing) a penance, to one (who is) making a gift, and to the knowers of Brahman." 30 35

Where Satrins and Vratins are pure.

To Satrins and Vratins (' those under a vow') purity is respectively in Satra and Vrata (' vow'), and not in a religious deed in general, or in moving in company. Just so has VISNU : " (There is) no (impurity) to those under 40

(*aa*) S. notices another reading *varaṇa-bharaṇa-sambhûtâḥ*, (constantly) engaged and amply provided with.

(*b*) *Snânaviśuddhyartham* is another reading, in which case the translation is, ' for (ordaining) purification by a bath.'

(*c*) S. is defective here.

a vow in the (matter of the) vow; and to Satrins in the (matter of) Satra" (XXII. 49—50) (*cc*). A Brahmachârin is an Upakurvâṇaka ('one who wants to turn out a householder after the course of study'), or a Naiṣṭhika ('an everlasting Brahmacharin'). By the word Dâtṛi ('giver') is indicated one who being a Vaikhânasa ('hermit'), does always give and never receive a gift. A knower of Brahman is a Sannyâsin. With respect to persons of these three orders of life, there is purity all round, for there is no authority (to say that it is so) in particular (cases). 5

Two sorts of Brahmachârins, and Sannyâsins.

In the (matter of a) gift, (there is) no impurity (with respect) to the material which was previously intended (to be made over in gift), for says the text of KRATU: "A material which was previously intended (to be made over in gift) is not tainted (with impurity) at the time of gift." Even in another Smṛiti a special (rule) has been stated in this (connection): "In marriages, festivities, sacrifices, *etc.*, if a birth or death-impurity intervenes, the remaining food might be served by (persons) other (than the affected), (and in that respect impurity) does not affect the givers or those that dine." 10 15

Case of gift.

In a sacrifice, in the (rite of) setting a bull (to roam at pleasure), *etc.*, or in the case of a marriage as well (there is no impurity with regard to the) provisions which have been hoarded previously. Even so runs (the text) of another Smṛiti: "In (the case of) a sacrifice, a marriage, or a Śrâddha rite, *etc.*, for which provisions have been already hoarded, *etc.*" "Immediate purity" is (supplied by) the context here. 20 25

Case of a sacrifice and marriage.

The employing of the term 'marriage' is to imply by synecdoche even the purificatory ceremonies of tonsure, initiation into Brahmacharya, *etc.* that have already begun (to be performed). And the employing of the term 'sacrifice' is to indicate solemnities in general, such as the consecration of an image, opening of a park, *etc.*, commenced previous (to the receiving of the news of impurity). For says the text of VISNU, "Nor can impurity (arise) during the installation of a deity, a (sacred) solemnity, (*d*) or a marriage, nor when the whole country is afflicted, nor at the time of great (public) distress" (XXII 53-5) (*e*). 30 35

The terms 'marriage' and 'sacrifice.'

In war (means) at the time of hostile military engagements: In the process of preparatory (rite to war) ordained by ASVALAYANA (as), "When a war is at hand (the Purohita) should perform the preparatory (rite) for the king" (III. xii. 1), and similarly by other (writers), and also in the matter of purificatory rites, *etc.*, relating to an army march, there is immediate purification. 40

In war.

(*cc*) S. is defective here.

(*d*) N. and G. have *Utsarga*, which may be taken to mean *Vṛiṣotsarga*, or setting a bull to roam free and at pleasure.

(*e*) Jolly's reading is slightly different.

If there is any distress to the country on account of epidemics, *etc.*, or if there is any commotion (therein) on account of an (invading) king, there is immediate purification to perform the purificatory rites for the purpose of mitigating those (evils). Although there is no real distress, purification has been enjoined in some cases by PAITHINASI with reference to particular places: "There is no impurity there where there is a marriage, distress, or a sacrifice, an army march, or pilgrimage; and likewise sacrifice, *etc.*, may be conducted."

Distress to the country.

Likewise even at the time of great distress, (that is,) when diseases have overpowered and the condition of death has approached, there is (immediate purification) with regard to the making of a gift for the purpose of atoning for the sin. And likewise even (in the case) of one whose affairs are straitened and who has a large family consisting of mother, father, *etc.*, all distressed with hunger, there is immediate purification for accepting a gift that may serve to provide them with.

Great distress.

138. This purification refers to him who has nothing for to-morrow and whose distress cannot be alleviated save by immediate purification. But if one has laid by wealth enough for a day's expense impurity lasts for a day in his case; (in the case) of him who has hoard enough for three days (it is) three days; (in the case) of him who has money-hoard enough for four days, (that is,) one who has a Kumbhî (measure) of grain, (it is) four days; to one who has a Kusûla (measure) of grain it is ten days, and so on, and thus as long as there is no distress to a (man), so long (does) the impurity (lasts) in his case, the shortening of the (period) of impurity being for the reason of distress (itself). Thus, therefore, intending that they should refer to the four kinds of the householders pointed out in (the text), "He may possess a Kusûla of grain or be a possessor of only a Kumbhî of grain. Or he may collect what suffices for three days or make no provisions for to-morrow" (IV. 7), a set of four alternative rules has been thus laid down by MANU: "It is ordained (that) among the Sapiṇḍas the impurity on account of a death (shall last) for ten days, (or) until the bones have been collected, (or) three days, or one day only" (V. 59).

Immediate purification is only in case of immediate distress.

139. Rules (laying down) a shorter (period) of impurity as a night with the preceding and following days, one day, and immediate purity found in other Smṛitis as referring to the Samânodakas, should be applied only as (their) having straitened affairs for its reason. And, moreover, it should be understood that this rule of shortening the period of impurity refers only to (the case of) him for whom there is extreme distress unless he accepts a gift, or (do something of) the short, and not to every case.

Alternative rules of shorter impurity with respect to the Samânodakas.

140. (Objection). Says MANU, "That Brâhmaṇa who has (Sacred) Fires as well as the (study of the) Vedas is purified with (the lapse of) a single day, but he who has mere (study of the) Vedas with three days, and he who has none with ten days" (*f*). How is it that by a consideration of this and the like texts found in other Smṛitis, it is not admitted 5 that there is complete purification with three days, one day, etc., (with respect) to those in whom abounds the study of the Vedas, Real Wisdom and observance (of what is their duty)?

(A·swer). (It) is (thus) answered: The statement that a Brâhmaṇa is purified with (the lapse of) a single day can become an assertive 10 rule only after first annulling ten days (of impurity) that comes in general on account of (the following text): "It is ordained (that) among Sapiṇḍas the impurity on account of a death (shall last) ten days" (*ff*). And the annulment of a text is governed by its applicability, and only thus much (of it) is to be annulled unless which is annulled, (the character 15 of) inapplicability does not disappear. Hence if it is asked what portion of it might be annulled by this, as the remaining part is seen of the sentence, namely, "Who has (Sacred) Fires as well as the (study of the) Vedas,"—a part capable of yielding the particulars desired,—it is settled that it is in matters (relating to the) Fires and the Vedas, (that is to 20 say,) with regard to Agnihotra and the like rites as well as to the study to the Vedas, and not at all even in the case of gifts etc. And thus the import of the words 'Fire' and 'Veda' is to be taken as being the acts that are performed therewith, or else they have the very significance of denoting some person (and make the meaning to be), purification to him 25 is with a single day by whom the rites relating to the Fire and the Vedas have been performed (*g*). But that is not proper (to take it so). Besides in case (that the proposed interpretation is accepted), there is a harmony of opinion with (the following texts): "(He shall) not impede the rites in Fire" (*h*); "The Vaitâna and Aupâsana (rites) too shall be per- 30 formed because of their being enjoined by the Śruti" (III. 17); and likewise with the texts of MANU and others enjoining such things as that "(there is) immediate purity to a Brâhmaṇa for (the purpose of) accomplishing the study of his own branch of the Vedas," and so on. And similarly no conflict arises with such texts as, "In both cases (of birth and death), the 35

(*f*) This is not found in the editions of MANU before us.

(*ff*) MANU V. 57.

(*g*) The idea is this: The original has *agnivedasamanvitaḥ*, he who has the Sacred Fires as well as the (study of the) Vedas. 'Sacred Fire' should be taken here to mean the deed to be performed in the Sacred Fires, and the 'study of the Vedas' the act of studyin: the Vedas. Therefore, the meaning is, he who has the deed (of performing an act in) the Sacred Fires, and has the act (of conducting) the study of the Vedas etc., that is to say, he who has to perform a rite in the Sacred Fires and has to conduct the study of the Vedas as well, is pure in one day; and so on.

(*h*) MANU V. 84.

food of the family shall not be eaten (by others) for ten days," stated by YAMA and others prohibiting dining etc.

Hence enough of dilation, and (suffice it to say) that this rule of shortening the (period of) impurity does only refer to particular cases, and is not found (to apply) to all (*i*) (sorts of) intercourse. 5

Vedic study is allowed when one is otherwise put to difficulty.

141. Again this enjoining of immediate purification with regard to the study of the Veda should be understood to (refer to the case of) one who has much of the Vedic study in him and the giving it up for some time would mean difficulty to him. And with regard to any other (person) that is certainly prohibited by the (following) text, "Making a gift, acceptance of a gift, making of burnt offerings, and the study of the Vedas are excluded." 10

Bathing at the end of the period of impurity is necessary.

142. Thus whatever (period of) impurity is prescribed with reference to one from among the Brâhmaṇa, *etc.*, he is purified having bathed after that (term) is over and not by a sheer lapse of that period. Just so has MANU: "(At the end of the period of impurity), having performed the (necessary) rites, a Brâhmaṇa becomes pure by touching water, a Kṣatriya by touching the animal on which he rides and his weapons, a Vaiśya by touching his goad or the nose-string (of his oxen), and a Śûdra by touching his staff" (V. 99) (*j*). 15 20

What it means is this; the expression "having performed the (necessary) rites" is (syntactically) connected with all. A Brâhmaṇa who has passed the days of impurity and has performed the (necessary) rites, (that is,) has bathed, is purified by touching water with the hands. "Touching (water)" here signifies a mere act of touching, and neither bathing nor sipping, for that touching itself is laid down even in connection with riding animal etc. Or (it means that) having performed the (necessary) rites, (that is to say,) having performed the rites of water (libation) etc. so long as the impurity lasts, and that being over, the Brâhmaṇa and the rest are respectively purified by touching water etc., and thus it connotes a quality of its being an alternative for bathing that is to come off at the end of the impurity period. And the Kṣatriya and the rest are purified by touching their riding animal etc. (*k*). 25 30

(*i*) S. omits *Sarva*, all, though that does not alter the meaning.

(*j*) Buhler has 'who has performed' and it is replaced by 'having performed' so that it may be an adjunct applicable to all the four terms occurring in the stanzas for the purposes of the explanation of the Mitâkṣarâ.

(*k*) MEDHATITHI'S explanation of this verse of MANU (V. 99) is this: "When the period of impurity is determined by the rules laying down ten etc. days is over, this additional thing should be done. By the expression, "touching water" is explained (that one should take) a bath, and it has already been explained. The term *Kṛitakriyaḥ*, having performed the (necessary) rites, is (syntactically) connected with 'Kṣatriya' etc. And that rite is bathing alone, for nothing else has been laid down, and having bathed they shall touch their riding animal and so on.

But others say (that the rites are) Śrâddha rites, and having performed the Śrâddha rites every one of them is fully purified. Even there (it must be noted that it is) after the Brâhmaṇa has touched water by the hands, and Kṣatriya etc. the riding animal and so on.

SECTION XXIII.—PERSONAL IMPURITIES.

143. Having described the purification that applies to the (whole) family, (the sage) now passes to describe, as the opportunity (suggests it), the purification applying to each person :

XXX. One touched by women in their courses and impure bodies should bathe and one touched by them should only touch water, repeat the hymns in praise of water-deity and once Gâyatrî mentally. 5

A woman in her courses is a menstruating woman, and the impure bodies are a corpse, a Chandâla, a person who has suffered degradation from caste, a woman who has been delivered of a child, and so on, and also persons under death-impurity. One who is touched by these shall bathe. 10

One touched by impure bodies shall bathe.

And one touched in turn by them, (that is), by those touched by a menstruating woman, impure bodies, etc., should touch water, (that is,) perform Âchamana. And having sipped (Âchamana) water he should repeat the three Mantra texts in praise of the water-deity, (that is,) *Âpohisṭhâ*(l) etc., and the plural has its purpose served in three alone (m). And likewise should Gâyatrî be repeated once mentally. 15

(l) Ṛig. VII. vi. 5. 1-3.

(m) See Kapiñjala-Nyâya in JAIMINI XI. i. 38-45.

This law, (called 'Kapiñjala-Nyâya'), restricting the connotation of plural to three only is of immense importance in our legal literature. It occurs as the eighth Adhikaraṇa in JAIMINI XI. i, (Sûtras 38-45), and on account of its importance we give it at full length as it occurs in the SABARASVAMIN'S *Bhâṣya* :

A Vedic text (occurring in connection with Aśvamedha) says, " They shall immolate Kapiñjalas ('partridges'?) to (the deity) Vasanta." The question here is whether three, four, five, or (more) are to be immolated for the purpose, or only three.

[The argument for the objection is as follows] :—

What does suggest itself then ?

As all (these numbers) come in on account of the plural, it is (a case of) alternativeness (Sûtra 38).

(Any number of birds) as a matter of (one's option) may be immolated. Wherefore (is it so said) ? As all (these numbers) come in. All these various numbers come in by the (use of the) plural, and all are expressed thereby. And as it is used in all cases it is not possible (to take) a combination (of all), and therefore, (it is only) a case of alternativeness.

Q. Well, if it were so, then the nature of giving diverse meanings rests in a single word (at a single use of it), and, indeed, and it is not justifiable.

R. (It) is (thus) replied. It is true that it is so, but it has to rest (thus) as there is no (other) course (possible).

Q. If no (other) course is (possible), then it might rest, but where a course is (possible) it must not (thus) rest. Well, there is this course (open), namely, that the connotation of the plural is three, and if there is plurality in four, etc., it is because of its association there. For in all those (numbers from three upwards), there certainly is a three.

144. (Objection). Well, how comes the referring with *taiḥ*, by those, (a word in) the plural, to one that has been expressed in singular as *udakyâspriṣṭaḥ snâyat*, "one touched by a woman in her course shall bathe"?

R. It is not proper (to take it so). If the plural were to connote three (alone), then the mutual predication of the words (as) in *Chatvâraḥ Brâhmaṇâḥ*, four Brâhmaṇas, cannot be possible. This (word) 'Brâhmaṇâḥ' connotes (a number which is) three, and the word 'Chatvâraḥ,' four, and their mutual predication is not possible. Indeed, four cannot become three, and similarly in the case (of all the) other (numbers).

Q. Then it can be by a metonymic (use of it), as in *Nyagrodha* ('banyan tree') *Kṣetram* ('a sacred place'), (that is, a sacred place containing a banyan tree). (Thus), indeed, three can indicate four by metonymy on account of its association.

R. (The argument) would stand, but the metonymic (sense) should be contained in the other.

(*N. B.*—The point in the latter example is that the banyan tree is contained in the sacred place and hence it holds good But it is not so in the case of the former example. The idea of four is not contained in the denotation of 'Brâhmaṇa,' and hence the argument of metonymy cannot stand).

Q. What can be done? (The metonymic sense) rests in it as there is no other course (possible).

R. But when there is a course (open), (the metonymic sense suggested) should not rest thus (though it is not contained in the other). Well, there is this course (open), namely, the connotation of the plural (is simply) plurality. Then on account of the very text that "all of them are 'Bahus' (numbers more than two)," the mutual predication (holds good).

Q. (Well), if the connotation is understood simply as plurality then (let it be explained) what that plurality is.

R.—(It) is (thus) answered. Plurality is an increase, accumulation, that is to say, excessiveness.

Q.—By what process (of grammar)?

R.—This root *bamh* means increase. To it the termination *u* laid down in the Uṇâdisûtras (is added); (The rule says) that in *bamh* the nasal is to be dropped; and thus the form *bahu* is evolved. Thus *bahu* means increased or excessive. All these (numerals), three and so on, are "excessive," and thus all of them can be expressed by the word *bahu*.

Q.—Well, *bahu* in the sense of excessiveness is a relative term, for whatever is *bahu*, excessive, that itself becomes *abahu*, short, in relation to some other thing.

R.—True, it is so, but a thing which is excessive in relation to one thing cannot be short in relation to that very thing. For example, (it is said) *northern Kuru-lands*. It is called northern in relation to the southern Kuru-lands, and (it does not mean) that there are no countries to the north of it. What is more, its being towards the north of a particular (country) cannot be got rid of. In the same way the numbers three and so on obtain the character of being "excessive" in relation to two, and it is not that they can in no case be short.

Q.—In what way, then, is it to be known that three and so on are in excess of two?

R.—(It) is (thus) answered. The relation (which decides the excessive or non-excessive nature of a thing) does occur in things of the same sort. It is as (to say), 'DEVADATTA is a strong man.' (He) cannot be (so) relatively to an elephant or even a lion, but, on the other hand, he is so relatively to men who belong to the same kind as himself. Similarly, even a number can have a character of excessiveness relatively to a number alone. In the present case, its relation with unity need not be considered;

(Answer). True, that it is so. But the expressing in plural as "by them" here is for the purpose of ordaining Âchamana in case of being touched by such as are other than those touched by a woman in her courses, and are such as require bathing itself (for purification). And thus there is no conflict. 5

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the speaking of two as *bahu* is nowhere seen, but it is seen that it is spoken of all the numbers three and upwards, and, therefore, it is understood that it is more than two, and that can be signified by the plural number. For why? If there is (the quality of being more than two) then there is the plurality, and if it is not it is not. (That is to say), if it is, then it is in (the numbers) three and upwards, and if it is not then it is in (one of the two numbers) unity or two. Thus the appellation 'Bahu-vachana' ('plural number') becomes significant.

The venerable sage says "*Bahuṣu Bahuvachanam.*" *Bahuvachana*, plural number, occurs *bahuṣu*, in (signifying things, etc., which are) more than two. (PANINI I. IV. 21). If the meaning of *Bahuvachana*, plurality, were three, then he ought to have expressed it as, '*Bahuvachana* (occurs) *triṣu*, in (connoting) three, and not in any other way, for that would have been easier and not involving of any doubt. Hence these numbers are *bahus*, excessive, with reference to two alone, and the plurality exists in the numbers, three etc., coming after that (two). This being the result, one and the same word cannot be such as to give diverse meanings (in one and the same place) and as all (the numbers, from three upwards) have plurality in them in no one case there can be a metonymic use (of it).

Q.—Then we urge that when it connotes three it is used without any (numeral) adjunct (qualifying it), but in the case of four, etc., it is used with a (numeral) adjunct as, *Chatvâraḥ Brâhmaṇâḥ*, four Brâhmaṇas.

R.—That is not true either, and even in the case of three it is used with a (numeral) adjunct, as, (for example), *trayo lokâḥ*, three worlds; *trayo Vedaḥ*, three Vedas. What is more, if a plural word is mentioned without a (numeral) adjunct, it would decidedly convey the idea of three. Then when it is stated "[They shall immolate] Kapiñjalas to (the deity) VASANTA," just as there can be no question with regard to this (idea above-stated), so even this question, 'Whether Kapiñjalas themselves are to be immolated, or peacocks, or even pigeons' does not at all arise.

Q.—What reason (is there for such a question)? For, the word 'Kapiñjala' denotes neither peacocks nor pigeons.

R.—(The same thread of argument holds good even here). In the present (case) also, if the denotation of the plural is three itself and not the other numbers then this discussion as above-stated ought not to have been started at all.

Is it because that instances of usage are observed? (*Sûtra* 39).

Then it might be said, 'The usage of the plural is observed to connote four etc. in such examples, *Chatvâraḥ Brâhmaṇas*, four Brâhmaṇas, and hence (there is the scope for) this discussion.

So in that (*case*) (*Sûtra* 40).

Even in that case, the use of the word 'Kapiñjala' in the sense of pigeon or peacock is observed. A bigger (variety of) pigeon is (often) talked of as, 'This is a Kapiñjala and not a pigeon' and similarly a small (variety of) peacock as 'This is Kapiñjala and not a peacock.'

Would it be said that it is a synecdochical use? (*Sûtra* 41).

One might urge that it is by synecdoche that the word 'Kapiñjala' is used there and in a synecdochical use there is no such thing as a term and its denotation.

Similarly in the other instance (*Sûtra* 42).

And (the nature of) those (persons) that (are impure and) require bathing is to be learnt from other Smṛitis. Thus says PARASARA: "After having had a bad dream, sexual intercourse, vomition, purging, and shaving, and having touched a funeral pyre, grass, and a bone in the crematory (one) shall bathe." Even so has MANU: "He who has vomitted or purged

Others who require a bath for purification.

5

It is said that even in the other case it is used synecdochically as, *Chatvârah Brâhmaṇas*, four Brahmaṇas. In a synecdochical usage, there is no question of the term and its denotation. Moreover, whatever is the number of the meaning of the stem, that alone is signified by the number of the word, as for example, *Brâhmaṇâḥ*, Brâhmaṇas; or (it may signify) the meaning the stem itself, as for example, 'two,' 'one.' Nor is the meaning of the stem three, nor is it the number of it. Therefore, the plural, *Chatvârah* cannot at all come in.

Q.—Or it may be said that in four there is three forming part of it, and the plurality is relatively to it.

R.—There are two equally so in four, and even unity, and on this (very account) (*Chatvârah*) may be dual or singular as one would have it! Therefore, in four, etc., the use of the plural is not on account of the association of three, and on the other hand, the plural number is on account of its plurality itself. Hence all the numbers from three to infinity come to be denoted by the plural number, and all of them being signified thereby, in connection with [they] 'shall immolate Kapiñjalas' all (those numbers) come in, and one of them might be chosen as a matter of one's option.

[The following is the argument for the reply]:

The first alone (of those numbers) is to be settled for the reason that there would be a violation (Sûtra 43).

The first alone of those numbers connoted by the plural is to be settled (as connoted by the plural). The reason there is this: Indeed one who would take four cannot but take three (first), the reason being that in four there are three, and when three are taken the ends of the Śástra would be met with. It is stated (in the Vedas) that *bahus* ('a number more than two') are to be immolated, and (by choosing three) *bahus* are immolated. That being so there would be a violation (if it is otherwise done), and the number not accepted as it is pointed out. Whatever the reason there might be for violating the rule of three, that is a departure from that (rule), and no such (departure) there exists in that three. Therefore, three alone is to be settled.

Q.—Well, the increased nature of the merits becomes the reason (of choosing a number more than three).

R.—There is no such thing (as the increased nature of the merits in the present case). Where several (alternative) rules have been laid down, some one of them being the easiest one and some one most arduous, there on the strength of the Vedic injunction of an arduous course, it is inferred that there is an excessiveness of the merits, and, for example, (it is so) in (the case of the alternative rules), 'one shall be made over in gift; six shall be made over in gift; twelve shall be made over in gift; twenty-four shall be made over in gift.' But here there is only one rule of immolating *bahus*, (a plurality of Kapiñjalas), and the (result is the) same (whether the sacrifice is performed) with three, or with four, and so forth. Hence whoever would give up the easier course and have recourse to the arduous one, no excessive nature of merit can come to him, as the import of the Vedic text is (perfectly) general. For example, if the text says, "He shall immolate an animal," no more merit accrues to him who immolates a very big animal or one that sells most dear (than to him who kills an ordinary animal). Whoever with a desire of more flesh would violate the rule of the righteous, then to him (there is the

shall bathe, and afterwards partake of ghee. But if (the attack comes out) after he has partaken of food, let him only sip water; bathing is prescribed for him who has had intercourse with woman" (V. 144).

145. Bathing (with regard) to him who has had sexual intercourse is with reference to that (he has at the) time favourable for conception. For says the text of BRIHASPATI: "When one will have sexual intercourse at a time not favourable for conception, purification is as in the case of (passing) urine or fæces." Even though it is not a fit time for conception bathing is prescribed in another Smṛiti with reference to the time at which it is done: "On the eighth day of lunar half month or on the fourteenth day of it, during daytime, or at a Parva, one who would have sexual intercourse shall bathe along with his dress and also sprinkle water on himself with VARUNA-Mantras." Just so has YAMA: "When indigestion sets in and further there is vomition even after sunset, when there is a bad dream, or when a bad man has been touched, bathing itself is enjoined." Even so has BRIHASPATI: "In case of sexual intercourse or (when he has the contact of) smoke coming out of a funeral pyre, immediate bath is prescribed." But this refers to a case when the touch is (had by one) without (his) clothes on, and when the touch, however, of a funeral pyre etc. is had when

Bathing after sexual intercourse at a time favourable for conception.

Bathing is necessary for having vomitted etc.

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sin of) violation in the matter of cruelty relating to the Vedic deeds, and hence he must not have recourse to it. Even supposing that there is no sin of departure, he does, nevertheless, subject himself to the censure of the righteous as, 'Although the purpose of the Śâstras is achieved (by a lesser course) he kills animals (unnecessarily) for the love of flesh.' Hence only three Kapiñjala birds are to be immolated.

Similarly (this) is observed in another case (*Sûtra* 44).

This very fact is observed in even another case just as in the manner above described. For example (there is the text): *Kriṣṇâḥ yâmyaḥ; avaliptâ raudrâḥ; nabhorupâḥ pârjanyâḥ; teṣâm aindrâgno daśamaḥ.* There are these three groups of three each, and it is only in that case that Aindrâgna is the tenth (as it is stated), or else it may be any other alternative (number). Hence three is settled.

(*N. B.*—The above text says that Aindrâgna is the tenth and the context shows that nine must have been mentioned previously. All the six words forming the three groups are in plural, and they can express nine only in case each group expresses three only. This is an indication that a plural connotes only three.)

Even by prakṛiti, and as above, it is the nearest (*Sûtra* 45).

By Agniṣomiya which is the Prakṛiti sacrifice, only one (animal) comes in and accepting three (Kapiñjalas) the number would be nearest to it, or else it would be far removed. There is also the following indication helping the interpretation: It is stated in connection with household rites as *odanân uddharati*, he shall offer rices. In this (passage where apparently only three are meant) the word 'Madhyama' is seen occurring without a qualifying adjunct, while in other cases, it does occur with a qualifying adjunct, *pañchânam madhymaḥ* (the middle one among the five), *aṣṭânâm madhyamaḥ* (the middle ones among the eight), etc.

(*N. B.*—In connection with the typical sacrificial sacrifice it is stated, *agniṣomiyaṃ paśum âlabbheta*, he shall immolate a Paśu in connection with Agniṣomiya, and hence only one animal is prescribed).

he is in his dress, then bathing too is with his dress on. Just so has CHYAVANA : " When one has touched a dog or one who eats dog's (flesh), when smoke from a funeral pyre falls on him, or when he touches one who subsists by misappropriating the property belonging to the gods, a 5 village-priest, one who sells Soma, a sacrificial post (*n*), a funeral pyre, as well as the faggots of a funeral pyre, liquor, a vessel in which liquor was kept, a human bone to which some marrow is (yet) sticking, one who has touched a corpse, a woman in her courses, one who has committed a mortal sin, and a corpse, he shall plunge with his clothes on into 10 water, and having come out of it he shall feel the fire, and meditatively, repeat Gâyatrî one hundred and eight (times). He shall (next) partake of ghee, and having bathed again sip (Âchamana) water thrice." And this refers to a case where it is done consciously and in other (cases) there is mere bathing. For, 15 says the text of BRIHASPATI : " A Brâhmaṇa who has unconsciously touched one who has touched a corpse, a barber, a funeral pyre, a sacrificial post (*nn*), and a woman in her courses, is well purified by bathing." In the same way, even in the other cases, the cases to which they refer should be understood with regard to the texts that will be cited. 20

Bathing along with the dress when one has touched a dog etc.

Conscious and unconscious contact.

146. Thus says KASYAPA : " When one vomits at sunrise and sunset, when the eye quivers, when there is a noise in the ear, having mounted a corpse on the funeral pyre, or when a sacrificial post (*o*) is touched, one shall bathe along with his dress, repeat (meditatively the Mantra) *Punarmâma, etc.*, and make seven burnt offerings with the Mahâvyâhṛitis." Even 25 so (there is) in another Smṛiti : "And having touched a paid-worshipper also, one shall merge into water with his dress on. Such a Brâhmaṇa as, desiring to get wealth, takes to worshipping for three years is well known as a paid-worshipper, and is avoided in rites (performed in honour) of the gods as well as the manes." 30 Likewise in the Brahmapurâṇa (there is this) : " Having touched the Śaivas, Pâśupatas, Lokâyatikas, and Nâstikas (*p*), and the men of regenerate class and Sûdras who take to prohibited actions, one shall merge into water with his dress on." Likewise on account of the interpretive indication (found in), " For that burnt offering which is defiled by a Śûdra's contact is 35

Definition of a paid-worshipper.

(*n*) N. has *pûya*, pus.

(*nn*) N. has puya, pus.

(*o*) See note (*n*) above.

(*p*) *Śaivas* are the worshippers of ŚIVA to the exclusion of every other deity. *Pâśupatas* are those who follow the doctrines formulated by PASUPATI, a religious dissenter of India. *Lokâyatikas* are Chârvâkas, and they are so called, because all their aims of life is restricted to the world and worldly pleasures. *Nâstikas* are infidels who hold that (1) there is no next world, (2) the means of attaining it are not known, and (3) the ÎSVARA who witnesses everything is an unknown entity. Some hold that a *Nâstika* is one who does not believe in the authority of the Vedas. Fuller details about these can be had from *Sarvadarśanasaṅgraha*.

detrimental to (the deceased's passage to) heaven" (*q*), there is a prohibition of a Śûdra's touch. Thus has ANGIRAS too: "Whichever Brâhmaṇa crosses the shadow of a dog-eater, he shall take a bath for (having done) so, and is well purified by partaking of ghee." Similarly (has) VYAGHRAPADA:

Space intervening one and a Chaṇḍâla is one yoke.

"A Chânḍâla and also a person who has suffered degradation (from caste), one shall keep at a distance; and if (they come within the space of a moving cow's tail one shall merge into water with his clothes on." This refers to a place where it is exceedingly snug, and in other cases it has been stated (thus) by BRIHASPATI: "One yoke, and two yokes, three yokes, and four yokes are respectively (the spaces intervening one and) a Chaṇḍâla, a woman delivered of a child, a woman in her courses, and a person who has suffered degradation (from caste).

147. So has PAITHINASI: "Having touched a crow or an owl (one shall take) a bath along with his clothes. And having passed urine and fæces without using water (to wash) one shall take a bath with his clothes on and also make the burnt offerings with Mahâvyâtritis. This (expres-

Use of water in passing urine and fæces necessary.

sion), namely "having passed urine and fæces without using water (to wash)" tends to refer to a oase where for a long time the purification from the impurity of (passing) urine and fæces is not observed. ANGIRAS has thus: Having touched a carnivorous bird, a crow, a cat, an ass, and a camel, and dogs and pigs, and having touched impure things one shall plunge into water along with his dress."

148. Bathing occasioned by touching a cat is to be understood to refer to the time of (one's own) unclean conditions or of a religious obser-

Bathing for touching a cat under unclean conditions.

vance, because of the usage of the wise (settles it so). And at other times no bathing is necessary, for the text says, "Even a cat, sacrificial spoon, and the wind are declared to be ever pure." In case of touching a

Bathing if touched by a dog above the navel.

dog, it must be observed that one shall bathe if the contact is above the navel, and if below that then there is only washing. For that very (sage) has stated: "If above the navel, leaving out the hands, one is defiled by a dog, bathing (is prescribed) in that (case); and if that is below (the navel), one is purified by washing and sipping Âchamana water."

149. In the same way, a special (rule) has been stated by JATUKA-

The same for being touched by a bird.

RNYA in the case of touching a bird: "When a bird touches any part of the body above the navel, excepting the hands, then a bath shall be taken, and (if it is any) other (part) (one) gets purified by (mere) washing (it)."

150. A special (rule) has been laid down by VISNU regarding the contact

(*q*) MANU V. 104.

of impure substances: "When one is defiled (in the part of the body) below the navel and in his fore-arms by the excretions of the body, by liquor called Surâ, or (any other) intoxicating drink), one is purified by washing that part of the body with earth and water and sipping (Âchamana) water. And when defiled in any other (part of the body) he shall bathe having washed that part (of the body) with earth and water. But when he is defiled by such (in his sensory organs) (he is purified) by (drinking) Pañchagavya, having observed a fast and bathed, and so (is one) who is defiled in his lips" (XXII. 77-80). This however is with respect to impurities coming out of another's (body), and in case of contact of one's own excretions, it is only washing even (if it is) above the navel." Thus says DEVALA: "Human bone, muscular fat, fæces, menstrual discharges, urine and semen, marrow, or even blood, when (any of these things) of another's (body) one touches, he shall bathe having removed the stain etc., sip (Âchamana) water, and is (thus) purified. When those very things of his own body one touches, he is purified by well washing it out."

Similar rule in the case of contact of impure substance.

Bathing if the impure things are of another's body, and washing if one's own.

151. SANKHA too (has) thus: "When a man has been defiled (in any part of his body) above the navel by mire or water (standing) on the road, or by spittings etc. likewise, he is purified instantly by bathing." YAMA however gives a special (rule) in this (connection): "Having entered into the muddy village-sewer in the rainy season, (one shall apply) earth thrice to his knees and twice as many times to the feet." The idea is (he shall do so for) having entered into the muddy village sewer, (that is,) a channel into which all the water running in the village finds its entrance. And when the mire *etc.* (have become) dry on account of wind, there is no taint, for it has been already stated thus: "Mire and water (standing) on the road that have had the contact of Chaṇḍâlas, dogs, and crows are purified by wind itself, and so the buildings (raised) with burnt bricks (I. 197).

Bathing for being defiled by mire or water on the road.

Applying of mud in addition when defiled by a muddy sewer.

152. In (the case of touching) bones, a special (rule) has been stated by MANU: "A Brâhmaṇa who has touched a human bone to which fat adheres, becomes pure by bathing; if it be free from fat, by sipping (Achamana) water and touching (thereafter) a cow, or looking at the sun" (V. 87). But this refers to (the case of touching) a bone of a twice-born (person), and with regard to (bones of) others (the rule which has been) stated by VASISTHA (should be taken): "Having touched a human bone to which some marrow adheres there is impurity for three days, and if no marrow adheres to it, (it is for) a day and night." But if (it is) other than man's (what is) stated by VISNU (should be observed): "Having touched the carcass of an unedible five-toed animal or

Bathing for touching the bones of the twice-born (person), and three days' impurity for touching those of others.

its bone to which some marrow adheres, one shall bathe, and (with regard to) the clothes (he had) then (on, he might) use (them only) after washing" (XXII. 70).

Thus even other (defilements) necessitating baths are to be learnt from other Smṛitis. Thus (the defilements) necessitating a bath being (very) 5 many the plural (word) 'taiḥ' ('by them'), (which is) intended to convey that (idea), is not inconsistently (employed).

153. Again this (rule), namely, "(One touched) by women in their courses and impure bodies shall bathe" should be understood (to hold good) when the contact (passes to him) through a lifeless thing, a stick or the like 10 (for example,) but when (it is) through a living being (what has been stated) by MANU thus (should be taken to hold good): "When he has touched a Chaṇḍâla, a menstruating woman, one who has suffered degradation from caste, and a woman in her confinement likewise, a corpse, or one who has touched a (corpse), he becomes pure by bathing" (V. 85). 15

In the case of (that) man (whom the impurity affects with the) third (transmission), (it is) only (necessary) to sip Âchamana water. For says the text of SAMVARTA: "(But in the case) of him who touches one, who has had that touch, bathing is enjoined. Thenceforward (it) is declared that sipping (Âchamana) water (would do), and 20 likewise a sprinkling of the article (thus touched) (with water)." And this refers to a case (when it is done) unconsciously, and if consciously (done) bathing itself (is prescribed) even in the case of (the) third. Thus says GAUTAMA: On touching an outcaste, a Chaṇḍâla, a woman in her confinement, a woman in her 25 courses, and a corpse,—on touching those who have touched them and on touching (the latter) (again), one shall purify himself by bathing dressed in his clothes" (II. V. 28) (*r*).

Third contact requires only Âchamana.

But (in the case) of the fourth, (there is) mere sipping of (Âchamana) water. For says the text of DEVALA thus: "A 30 man having (had an) indirect touch or having touched even a man who has had the third contact of impurity is purified by washing his hands and feet with water and sipping (Âchamana) water."

Mere washing for the fourth contact.

154. A special (rule) has been stated by DEVALA (with reference) 35 to impure persons (who are) further touched by a woman in her courses, *etc.*: "A man on touching one who eats dog's flesh, one who has suffered degradation (from caste), one defective in a limb, a mad man, one who carries a dead body, a woman in confinement, a midwife, 40

Bathing in the case of impure persons further defiled.

(*r*) This appears as XIV. 30 in Buhler's Translation. This rendering has the sanction of VIJNANESVARA as well as HARADATTA. But Buhler translates it as follows: "On touching......corpse, and on touching persons who have touched them he shall purify himself......clothes," and thus notices only the first and second transmissions of impurity, but not the third.

a woman overtaken by menstruation, and a dog, a fowl, and a pig that live in villages is purified by bathing his head too with his dress on. But he who is himself impure, touches these impure things is well purified by (observing) fasts or otherwise so by (performing) Kṛichchra (penance)."

A midwife (is she) who helps another (woman) at the time of delivery. And it must be decided that Kṛichchra refers to (the case of touching) one who eats dog's flesh, while in the case of touching dogs etc. (it is) fasting. 5

SECTION XXIV.—OTHER THINGS BRINGING ABOUT PURIFICATION. 10

155. Now by way of exemplifying in (the matter of) purification with time, (the sage) enumerates the things described in the Chapter on Purification of Things as well as those that will be described in this Chapter:

XXXI Time, fire, (religious) rite, earth, wind, mind, wisdom, penance, water, repentance, abstaining from food, all these are causing of purification. 15

Time.

Just as all these, the fire and rest, are causing of purification, so (is) even time, (the) period (of) ten (days and) nights etc. For that a thing can bring about purification is to be learnt from Śâstras. 20

Fire.

Fire on its part (is an agent) causing of purification. For the sage has stated that "Earthenware is purified by being burnt again." (I. 187).

A religious rite.

A religious rite is also causing of purification as the sage states thus: "By (taking part in the) bathing at the (end of a) horse-sacrifice [a Brâhmaṇa-slayer is purified]" (III. 244). 25

Earth.

Likewise even earth is causing of purification, and thus has it been said: "Water, ashes, or even earth should be put in for a thorough purification" (I. 187). 30

Wind.

Even wind is causing of purification as it has been stated: "[Mire and water (standing) on a road *etc.*] are purified by wind itself" (I. 197).

Mind.

Mind also is the means of purifying speech, for says the Śruti, "One gives expression to the speech conceived by mind." 35

Wisdom.

Wisdom relating to Adhyâtman is the primary cause in (effecting) the purification of the intellect, for it will be stated, "(In the case) of a Kṣetrajña ('individual soul') on account of knowledge of the Lord *etc.*" (III. 34). 40

Penance (means) Krichchra etc., and so will it be stated "One who has violated (his) Guru's bed shall perform a Prâjâpatya Krichchra for (three) years" (III. 260).

Penance.

Likewise even water is causing of purification of the body and so on, and thus it will be said, "Water (in case) of the body *etc.*" (III. 33). 5

Water.

Repentance too is causing of purification, and thus has it been said, "By proclaiming (the sin) or repenting *etc.*"

Repentance.

Also abstaining from food is chief factor in bringing about purification, and it has been stated thus: "[If he is a Brâhmaṇa-slayer, for] three (days and) nights he shall fast meditatively repeat [Aghamarṣaṇa Sûkta] (III. 301). 10

Abstaining from food.

156. And more:

XXXII. Gift-making is causing of purification in the case of those who do a prohibited act, and speed of the current (in the case) of a river, and earth as well as water (in the case) of a thing to be cleansed, and indeed, Sannyâsa in the case of Brâhmaṇas. 15

XXXIII. And it is declared (that it is) Tapas (in the case) of the Vedic scholars, tranquillity (in the case) of the learned, water in the case of body, meditative, repetition (of Mantras) in the case of secret-sinners, and truthfulness to minds. 20

XXXIV. Austerities and learning is the cause of purification (in the case) of one who has animal feelings, and wisdom (in the case) of intellect. And it is opined that to a Kṣetrajña ('individual soul') (there is), through the knowledge of ISVARA, the Highest Purification. 25

In the case of those who do a prohibited act, (that is,) of those who take to a forbidden (line of action), gift-making alone is the chief cause of purification. He thus says: "Having given away sufficient wealth at least to a fit recipient *etc.*" (III. 250). 30

Gift-making purifies those who do a prohibited act.

(In the case) of a river whose banks are defiled with impurities on account of smallness of the quantity of water flowing in it during summer *etc.*, the speed of the current of the rainy water overflowing its banks is the cause of purification. 35

River purified by flood.

Of an article that is to be cleaned, earth as well as water brings about the purification. It is thus stated in this (Smṛiti): "Of an article to which (some) impurity is sticking purification is by removing the smell with earth and water" (I. 191).

Earth and water cleanse an article.

Sannyâsa.

Sannyâsa, (that is,) renunciation, is the cause of purification in the case of the Brâhmaṇas in the matter of mental departure.

Tapas.

Tapas is the study of the Vedas and that is the cause of purification (in the case) of the Vedic scholars, while Kṛichchra and the like are common to all and are not exclusive to the Vedic scholars (s).

Tranquillity.

Tranquillity (is) unruffled nature, and (that is) the cause of purification in the case of the learned, (that is,) of those who are learned in the meaning of the Vedas.

Water.

(In the case) of the body (that is) of one's own person, it is water.

Secret sins.

(In the case) of secret-sinners, (that is,) of those who hide their sins, meditative repetition of Aghamarṣaṇa hymns is the cause of purification, (that is,) the means bringing about purification.

Mind.

Mind is the seat of good or bad resolves, and of that which is defiled by bad resolves, truthfulness, (that is,) a noble resolve, is the cause of purification.

Case of the one who has animal feelings.

By the term "animal" is indicated by synecdoche the body and the collection of the senses coming under it. And then the ÂTMAN who remains attached to it by thinking "I am stout," "I am lame," "I am blind," "I am deaf," and so on is one who has animal feelings, and in his case austerities and learning are the two causes (bringing) about purification.

Austerity.

By the term 'Tapas' ('austerity') is denoted what (may be) termed the (perfect) evolution of the ÂTMAN through a series of births or even in the course of a single birth, and (of) the distinctness of it from the body etc., in the wakeful, dreaming, or sleeping conditions. (It is) as in the text "Realize BRAHMAN through austerity" (t) which establishes its distinctness from the five systems (of which the body is made).

Learning.

And by the term 'learning' is indicated wisdom of the Upanisads resulting from such texts as "(He is) not bulky, nor atomic, nor short" (u), "Nor indeed attached

(s) He takes 'Tapas' in two senses, the study of the Vedas, and the performance of Kṛichchra, etc.

(t) Tait. Upa. III. ii. 1.

(u) Bṛih. Upa. III, viii. 8.

(*v*), "This is ATMAN" (*w*), *etc.*, having for their theme of exposition the entity known as 'Tvam' ('you'). His purification (is brought about) by those two things.

To the intellect which (realizes that ATMAN) is distinct from the body but which is impure by doubts and contrary knowledge, wisdom 5 which is of the form of reliability is the cause of purification.

Intellect.

Kṣetrajña.

To a Kṣetrajña who is of the nature of the entity denoted by 'Tvam' ('you') and has become well purified by penance and learning, the best purification is that which is 10 of the nature of Final Emancipation through the knowledge of ÎSVARA a knowledge resulting from the texts *Tat tvam asi*, Thou art That(*x*) *etc.* and is of nature of (bringing about) Identification (with the Highest). This mentioning of purification of one who has animal feelings and so on is for the purpose of thus extolling that even purification with time is 15 well fitting in the very same way in which these (methods of) purification are conducive to the Highest object of human existence.

(*v*) Bṛih. Upa. III. ix 26.
(*w*) Bṛih. Upa. II. v. 14.
(*x*) Ch. Upa. VI. viii. 7.

CHAPTER II.

DISTRESS RULES.

SECTION I.—ALTERED OCCUPATIONS FOR THE TIME OF DISTRESS.

Introduction.

157. Having, with regard to a case where it is not possible to go round the primary rules of impurity, laid down the secondary rules relating to immediate purification and so on in, "And indeed at the time of great distress, immediate purification is ordained," (III. 29) and the like texts, (the sage,) now (as suggested) by the topic of distress, lays down (what) other occupations (might be followed) when it becomes impossible to stick to the chief occupations such as conducting of another's sacrifice etc. mentioned in (the text), "Accepting of gifts is [an] additional [avocation] in the case of a Brâhmaṇa, and likewise conducting of (another's) sacrifice, and teaching" (I. 118):

XXXV. A twice-born (person) might in distress live by the occupation of a Kṣatriya or even (that) of the Vaiśyas. And having got over it, he shall then himself, purifying, put in the path.

A Brâhmaṇa might live by the occupation of a Kṣatriya or Vaiśya, and not that of a Śûdra, at the time of distress.

A twice-born (person), (that is,) a Brâhmaṇa, when, on account of (being depended upon) by a large family, is unable to subsist by the occupation of his own (caste), might live by the occupation belonging to a Kṣatriya, (that is,) by such things as bearing arms and so on, at the time of distress. When he is not able to live even by that he might live by the occupation belonging to a Vaiśya, such as trade etc., but not by the profession of a Śûdra. Just so (has) MANU: "If it be asked, 'How shall it be if he cannot maintain himself by either (of these occupations?' the answer is) he may adopt a Vaiśya's mode of life employing himself in agriculture and rearing cattle" (X. 82).

The Varṇa question with regard to distress rules.

158. And likewise by one of an inferior caste, the profession of a Brâhmaṇa shall not be adopted even in distress, but only (the profession) of a Kṣatriya (might be followed) by a Brâhmaṇa, that belonging to a Vaiśya by a Kṣatriya, that of a Śûdra by a Vaiśya, and thus only that profession of a Varṇa, which is immediately inferior to his own. For says the text of VASISTHA: "Those who are unable to live

by their own lawful occupation, may adopt (that of) the next inferior (caste): But never (shall they adopt) (that of the) superior caste (II. 22-3) (*y*). (That of the) superior (caste) is the occupation of a Brâhmaṇa. And likewise (has) another Smṛiti too: "To those two neither the exalted nor the low occupation does exist unless it be the two middle ones, for 5 they are common to all (the Varṇas)." To a Śûdra there is no permission to follow the exalted occupation of a Brâhmaṇa, and likewise even to a Brâhmaṇa (there is) no (permission to follow the) low occupation of a Śûdra. And the two middle ones, (that is,) the occupations of Kṣatriyas and Vaiśyas, are common to all the Varṇas that are experiencing distress. 10

159. A Śûdra who is in distress (might live) by the occupation of a Vaiśya or by handicrafts. For it has been previously stated thus: "(The occupation) of (a) Śûdra is (to render) service to the twice-born (classes), and (when) unable to live thereby he might become a merchant or live by 15 various handicrafts contributing to the good of the twice-born (classes)" (I. 120) (*z*). A special (rule) has been laid down by MANU also in this (connection): "(Let him follow) those mechanical occupations and those various practical arts by following which the twice-born are (best) served" (X. 100). On this very principle, even in 20 the case of those who are born (of permitted marriages) in the direct order of castes a profession immediately next to theirs should be understood (to hold good).

A Śûdra in distress might live by the occupation of a Vaiśya or handicraft.

160. Thus having passed the (time of) distress by (following) the occupation of an inferior Varṇa immediately next to his, one shall by 25 undergoing Prâyaśchitta ('penance') shall himself purify, and "put in the path," that is to say, one shall place himself in his own occupation. Or it may mean this: The wealth earned by that occupation objectionable to one's own (Varṇa) he shall place on a path, (that is,) shall abandon it on 30 a road. Just so (has) MANU: "The guilt incurred by offering sacrifices for, (and) teaching, (unworthy men) is removed by meditative repetitions of the Mantras and by (making) burnt offerings, but that incurred by accepting gifts (from them) by throwing (the gifts) away and by austerities" (X. 111). 35

Return to one's own occupation by "putting in the path."

SECTION II.—WHAT A BRÂHMAṆA SHALL NEVER SELL.

161. (The sage now) says what shall not be sold at all by a Brâhmaṇa who has begun to subsist by the occupation of a Vaiśya:

XXXVI. Fruits, stones, linen, Soma, man, wheat cakes, herbs, sesamum, boiled rice, articles of taste, salts, 40 curds, milk, ghee, water,

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(*y*) Buhler's translation is slightly changed to suit the explanation that follows.

(*z*) S. omits the first half of this verse.

XXXVII. Weapons, liquor, bee-wax, honey, lac, Kuśa grass, earth, hide, flowers, Kutapa blankets, chowry, butter-milk, poison, land,

XXXVIII. Silk, indigo, common salt, flesh, one-hoofed animals, lead, vegetables, green herbs, oil-cakes, 5 wild beasts, and sandal-pastes likewise,

XXXIX. Though living by the occupation of a Vaiśya, (a Brâhmaṇa) shall not sell at any time.

The expression "shall not sell" is to be taken along with each.

Fruits are plantains and the like other than Jujube, Iṅgudâ (a), 10 and so on. Thus says NARADA: "(He may sell) leaves that have fallen spontaneously, and of fruits the fruits of the Jujube tree and of the Iṅgudâ plant, rope, and thread of cotton if its shape has not been altered (by working it up)" (I. 65) (b). A stone is a gem, a ruby, and so on (which can be 15 classed) in general as stone. Linen is cloth made of flaxen fibres, and the use of the term 'Kṣauma' ('linen') is to indicate by synecdoche cloth made of thread and so on. Thus says MANU: "(He must avoid selling) all dyed cloth, as well as cloth made of hemp, and of flax, or wool, even though they may not be dyed, fruits, roots, and (medical) herbs" (X. 87). 20 Soma is a particular variety of creeper, (and) by the term 'Manuṣya' ('man'), man, woman, and hermaphrodite are taken in general. 'Wheat cake' indicates any eatable such as Maṇḍaka and the like that requires mastication. Herbs are (particular varieties of) creepers like rattan, Amṛita (c), and so on, (and) sesamum is (a grain) well known. The use of 25 the term 'Odana' ('boiled rice') is (to indicate by) synecdoche any soft food requiring hardly any mastication. Articles of taste are jaggery, sugar-cane juice, sugar, and so forth. So has MANU: "(He must avoid selling) milk, honey, curds, ghee, oil, liquor, jaggery, and Kuśa grass" (X. 88) (d).

What a Brâhmaṇa shall not sell even in distress.

(a) Terminalia Catappa.

(b) The other reading approved by KALYANA is *svayaṃ śirṇaṃ cha vidalam*, the translation of which is 'twigs of bamboo that have fallen spontaneously.'

(c) A medical herb, Phaseolus Trilobus or Co-cculus Cordifolius.

(d) Buhler following KULLUKA translates *Madhu* as wax (bee-wax.) BALAMBHATTA interprets that as liquor. MEDHATITHI, however, is supporting of him for he says,—"*Madhu* is *Madhûchchhiṣṭa* ('bee wax') used by dropping a portion of the word as, for example, *Datta* for *Devadatta*: For that has been prohibited in another Smṛiti, and here honey is prohibited by the use of the term *kṣaudra*, while spirituous liquor is elsewhere prohibited by the employing of the term *madya*. (So say some), while others say that the term *madhu* is employed to prohibit *Mâdhvika* liquor itself that has not yet acquired the quality of intoxication. That is not right, for the term does not denote liquor that has been just pressed out......... but connotes the intoxicating quality itself as it can be seen, for instance, by, "Both intoxicated by the *madhu* liquor." The intoxication is certainly on account of the spirituous liquor."

N. B. It is hard to understand to whom MEDHATITHI refers to here in saying 'some' and 'others.'

Salts are saltpetre and the like. The use of the terms 'Dadhi' and 'Kṣîra' ('curds' and 'milk') is to indicate by synecdoche (even) things produced of them, such as, cream, fresh butter, coagulated milk, inspissated milk, and so on, for says the text of GAUTAMA, "Milk and its preparations (are not to be sold)" (I. vii. 11). The use of the term 'Ghṛita' ('ghee') is to indicate 5 by synecdoche oily substances in general such as oil etc. Water is (a thing) well known (and) weapons are swords etc. The use of the term 'Âsava' ('liquor') is to indicate by synecdoche spirituous liquors in general. Bee-wax (is what is called) Sikthaka ('bee-wax'); honey (is) Kṣaudra ('honey'); lac (is) Jatu ('sealing wax') and Kuśa 10 grass (is) Barhiṣ ('Kuśa grass'). Earth is (a thing) well known, hide (is) leather, and flower is (a thing) well known. Kutapa blankets are those produced of goat's wool. Chowries (are those) belonging to Chamarî buffalo etc., and butter-milk Udaśvit ('whey'), and poison Śṛiṅgî etc. Land is soil, for says the text of SUMANTU, "Land, paddy, barley, a goat, a sheep, 15 a horse, a bullock, a milch-cow, and an ox (are forbidden to be sold) at all times." Silk is cloth produced from cocoon threads, and indigo is liquid indigo. From the very use of the term Lavaṇa ('common salt') are comprehended, without any particular (restriction), Bida salt, Sochal salt, rock-salt, sea-salt, Somaka salt, and artificial salt (e). Flesh is (a thing) 20 well known. One-hoofed animals are horses etc. The employing of the term 'Sîsaka' ('lead') is to indicate by synecdoche metals in general. Vegetables (include) every kind (of it) generally. Herbs are those that shoot out every year (from the ground) (f). As the herbs (prohibited) are particularized as green, there is no violation in (selling) the dry ones. Oil- 25 cakes are (things) well known. Wild beasts are those found in the forest, for says the text of MANU: "All beasts of forest, animals with fangs or tusk, and birds (he must avoid selling)" (X. 89). Sandal pastes are (pastes of) Chandana, Agaru, and so on.

162. Any of these things, a Brâhmaṇa who subsists by the profession 30 of a Vaiśya shall not sell at any time. But there is no violation (of the rule) (in the case) of a Kṣatriya etc. It is for this very reason the term 'Brâhmaṇa' is used by NARADA in: "When a Brâhmaṇa is living by the occupation of a Vaiśya, he must never sell milk and 35 curds" (I. 61).

A Kṣatriya etc. might sell these at the time of distress.

163. (The sage now) gives a counter-exception:

For the purposes of Dharma, sesamum might be sold in (exchange for) an equal quantity of grain.

(e) It is hard to identify some of these salts.

(f) The original has *phalapâkântâḥ*. The term of which this *oṣadhayaḥ* is a part is *ârdra oṣadhayaḥ*. APARARKA takes it as two different words as *Ârdra*, ginger, and *Oṣadhayaḥ*, herbs.

Where, for want of rice and the like grains with which they are to be performed, the necessary rites, such as Pâkayajña, ('minor rites of a sacrificial character') cannot be performed, then sesamum might be sold in (exchange for an equal quantity of) grain. An equal quantity, (that is,) a Droṇa measure of it (might be bartered) with an equal (quantity), (that is,) a Droṇa measure of the (required) grain, and so on. Just so has MANU: "But he who subsists by agriculture, may at pleasure sell pure sesamum grains for sacred purposes, provided he himself has grown them and has not kept them long" (X. 90) (g).

Sesamum etc. might be exchanged for other grains for the purposes of Dharma.

164. The use of the term 'Dharma' (is to indicate by) synecdoche medical treatment etc. that are necessary to be had. Thus, therefore, (has) NARADA: "If it is for a medicament used to cure a disease, or for an offering, or if necessity can be shown, he may sell sesamum for a corresponding quantity of grain" (I. 66). If he sells it for other purposes, then there is (the sin of) violating the rule, for says the text of MANU: "If he applies sesamum to any other purpose but food, anointing, and charitable gifts, he will be born again as a worm and, together with his ancestors, be plunged into the ordure of dogs" (X. 91.)

Sesamum can be sold to have diseases treated.

165. But exchange with the things of the same sort can certainly be done. (It is said) thus: "Things of taste may be bartered for things of taste, but by no means salt for things of taste; cooked food (may be exchanged) for (other kinds of) cooked food, and sesamum seeds for grain in equal quantities" (X. 94) (h). Cooked food (is) the food that has been prepared, and that might be bartered for cooked food. If the reading is *kṛitânnaṃ cha akṛitânnena* ('and cooked food with uncooked food'), it means that cooked food might be bartered for uncooked food such as rice and the like.

Certain similar things might be bartered.

166. (The sage now) points out the sin (incurred) in violating the above-mentioned prohibitive rule:

XL. Lac, salt, and flesh are causing of degradation (from caste) in being sold, and milk, curds, and liquor are productive of the low Varṇa.

Lac, salt, and flesh which are being sold are causing of instantaneous degradation (from caste), (that is to say,) are causing of detriment to the

(g) "This is a counter-exception embracing the quality of, and purposes for, which sesamum can be sold......'Pure' means that in which rice or the like is not mixed ......and 'he has not kept them long' (means) 'he has preserved them long considering that it sells cheap now and in a future time it fetches good profit, or 'pure' means that which has not turned quite black."—MEDHATITHI. 'Pure' is used in place of 'unmixed' which Buhler has.

(h) The original has *Rasa*, which Buhler translates as condiments. But it is taken here to mean jaggery, sugar, etc.

functions of a twice-born (caste), while milk etc. are causing of the low Varṇa, (that is to say,) are effecting of an equality with a Śûdra. There (results) equality with the Vaiśyas in selling the prohibited articles other than these. Thus says MANU: "By (selling) flesh, salt, and lac a Brâhmaṇa at once becomes an outcaste; by selling milk he becomes (equal to) a Śûdra in three days. But by willingly selling in this world other forbidden commodities, a Brâhmaṇa acquires after seven nights the character of a Vaiśya" (X. 92-3).

Sin in violating this rule.

SECTION III.--MISCELLANEOUS RULES.

167. And next:

XLI. A Brâhmaṇa having, while in distress, accepted (a gift from), or eaten the food of, a questionable person, is not tainted with sin, inasmuch as he is comparable to the fire and sun.

He who has no wealth and does not, though in distress, enter into the profession of a Kṣatriya or Vaiśya, but on account of (being surrounded by) (his) distressed family accepts gifts from, or eats the food of, a questionable person, (that is,) low, lower, or lowest of mankind, is not tainted with sin or guilt. For, there being a permissive sanction for him to accept from ignoble persons in that condition of distress etc., he is comparable to the fire and the sun: Just as fire as well as the sun is not tainted with impurity in spite of the contact of an unworthy person(*i*), even so this Brâhmaṇa is not tainted though (he has) fallen into distress (compelling him to accept gifts from an unworthy persons), and in this particular there is comparison therewith. By saying so it comes to be pointed out that, for one who is in distress, rather the following of his own profession only though devoid of merits, should be (a matter of) primary (consideration) than embracing the profession of another. Just so has MANU: "It is better (to discharge) one's own (appointed) duty defectively than to perform perfectly that of another; for he who lives according to the law of another (caste) instantly suffers degradation from his caste" (X. 97).

Accepting of gifts from a questionable source for the sake of the distressed family is no sin.

168. And more:

XLII. Tilling, art, work for wages, learning, banking, waggon, mountain, service, a watery place, king, and alms (are) (the sources of) livelihood in distress.

(*i*) *Hinas-saṃskâre api* is another reading, in which case, the translation becomes, though having had the contact of one whose purificatory ceremonies are defective. APARARKA simply says that they are comparable to the sun or fire in point of purity.

On account of (its containing) the attributive adjunct "the sources of livelihood in distress," (it should be understood) from this (text that) a particular profession from among tilling etc. which was prohibited to a particular person, when not in a distressed condition, is permitted for him (to be followed). Just as under conditions of distress the profession of a Vaiśya and tilling (which are to be) conducted by one's own self are permitted to (be followed by) a Brâhmaṇa or a Kṣatriya, (even so) art etc. are also permitted for him (to be followed). Art (j) (is) cooking etc., work for wages (is) to (do the work of) a servant, and learning (as a source of livelihood signifies) to be a tutor on salary and the like (avocations). Banking (is) investing money on interest, and that is permitted to be followed (even though) conducted by one's own self. Waggon is the means of subsistence by carrying of grain etc. on hire. Mountain is the source of livelihood by (yielding) grass, firewood, (etc.) that it produces. Service is to follow the will of another. A watery place (is) a tract of land abounding in grass, trees and water. And similarly the king, (that is,) begging of the king, and (collecting) alms even (in the case) of a Snâtaka (are allowed in such cases). These are the (means of) subsistence in distress. Even so (has) MANU: "Learning, art (j), work for wages, service, rearing cattle, traffic, agriculture, mountain, alms, and receiving interest on money, are the ten means of subsistence (permitted to all men in times of distress)" (X. 116).

Means of livelihood prohibited under ordinary conditions allowed at the time of distress.

169. When there is an impossibility of even such means of livelihood as agriculture etc., how then should one live? (The sage) further says (in reply to this):

XLIII. Having remained starving for three days, he might seize (some) grain of one who is not a Brâhmaṇa. And if he is accused for having taken it he must with (due regard to) Dharma confess it.

Having remained starving (that is,) without eating anything for three (days and) nights for want of grain, he might seize (some) grain, sufficient for a day, of a non-Brâhmaṇa, (that is,) of a Śûdra, of a Vaiśya failing him, or failing even him of a Kṣatriya of a low profession. So says MANU: "Likewise he who has not eaten at (the time of) six meals, may take at (the time of) the seventh meal (food) from a man who neglects his sacred duties, without (however) making a provision for the morrow" (XI. 16)(k).

Even stealing of food in extreme cases is not an offence.

(j) The original has 'Śilpa', which generally means mechanical arts, and that is the translation Buhler has. According to the interpretation, which, however, we have here in the Mitâkṣarâ, it has been translated simply as art. APARARKA, however, defines it as (making of) cloth (and) ornament, cookery, singing, architecture, and the like arts.

(k) "Two meals are prescribed every day by the text, 'One shall eat morning and evening.'"—MEDHATITHI.

And likewise subsequent to his having taken it, he must confess in exact truth, and with due regard to Dharma, what was taken (by him), if, by the owner who has lost it, he is accused (with the words), 'Why was it taken by you?' Thus says MANU: "Either from the threshing-floor, or from a field, or out of the house or wherever he finds it, if (the owner) asks him, he must confess to him that (deed and its cause)" (XI. 17).

But he must confess the deed if caught for stealing.

5

SECTION IV.—DIRECTIONS TO THE KING

170. In connection with the distress (laws) this thing is further laid down (for the guidance) of the king:

XLIV. The king having learnt (about) his conduct, descent, character, learning, study, and family, should provide (him with) a profession suited to his Dharma.

10

Whoever is distressed being seized with hunger, his conduct, (that is,) his righteous mode of life, descent, (that is,) ancestry, character, (that is,) personal qualities, learning, (that is,) his having attended to (expositions of) sciences, study, (that is,) the Vedic study, and austerities, (that is,) such as Kṛichchhra etc. (he has performed), a king shall examine, and provide (him with a) profession that is not prejudicial to his Dharma. Or the fault is of that (king himself). Thus says MANU: "The kingdom of that king, in whose dominions a Śrotriya pines with hunger, will even be distressed with famine and pestilence" (VII. 134) (*e*).

King's duty to provide with an occupation to the distressed.

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(*e*) Buhler follows another reading and translates it as, "......will even ere long, be afflicted by famine."

CHAPTER III.

ON HERMITS.

SECTION I.—WHO CAN BE A HERMIT.

171. Of the persons belonging to the four Âśramas, the rules to (be observed by those belonging to the orders of) Brahmacharins and house- 5 holders have been established. And in order to lay down the rules (binding on) the hermits as suggested by the (proper) opportunity, (the sage) says:

XLV. Having entrusted his wife to (the care of) his son, or even followed by her, (one should turn out) a Vânaprastha, and retire to the forest observing Brah- 10 macharya and attended by his (Śrauta) Fires and the Aupâsana (fire).

The term.

He is a Vânaprastha because *vane*, in the forest, he *prakarṣeṇa* absolutely, as well as with Niyama ('self-control'), *tiṣṭhati*, stays, (that is,) spends his life. Vanapras- 15 tha alone (is called) Vânaprastha, the (first) vowel being lengthened in specializing the name. It means that he is one dwelling in a forest embracing a noble occupation.

A Vânaprastha.

He (is one) who has entrusted his wife to (the care of) his son, (that is to say,) he is so described because he (is one) by 20 whom his wife has been entrusted or left to (the care of) his son with the (injunction) to the effect, 'This (lady) shall be protected by you.' Or if she desires to go even herself to the forest with a desire to do service to her lord, then (he might be) followed, (that is,) accompanied by her. And likewise he shall (thenceforward) observe 25 Brahmacharya, (that is,) live in absolute celibacy, and attended by his (Śrauta) Fires, (that is,) taking with him the Vaitâna Fires, and likewise attended by the Aupâsana Fire, (that is to say,) taking with him the Gṛihya Fire also, he should retire to the forest.

It is general to a Gṛihastha.

172. By saying 'one who has entrusted his wife to (the care of) 30 his son' (the sage) points out that one becomes entitled to a forest life who has discharged the duties of a householder. This, however, is stated recognizing the case of the regular succession of all the Âśramas (in the due order). And in the contrary case (of non-absoluteness of living 35 all the Âśramas in regular succession), because there is the text as, "Having completed his Brahmacharya without a blemish, whatever (order

of life) one desires, that he might live," even one who has not discharged the duties of a householder does certainly become entitled to the life of a forest.

173. And this retiring into the forest (is spoken of with reference) to him whose body is worn out with old age, or even to him to whom a grandson is born. Thus says MANU: "When a householder sees his (skin) wrinkled, and (his hair) white, or the (birth of a) son to his son, then he may resort to the forest" (VI. 2). Also this (act of) entrusting his wife to the care of his sons (refers) to him who has his wife (living), for ÂPASTAMBA and others have stated that forest-life (is allowed in the case) of even him who has lost his wife. Thus that procedure of rekindling the Sacred Fires which (is) enjoined by (the text) "Having had [his devoted wife] burnt with the Agnihotra (Fires) [he shall take another wife and (rekindle) the Sacred Fires]," (I. 89) etc. refer to his case whose worldly bent has not yet reached its last stage. Further with regard even to this (that he should go) attended by his (Śrauta) Fires as well as Aupâsana Fire, (it must be noted that) if he has followed the Ardhâdhâna mode, then he should retire to the forest attended by the Śrauta Fires as well as the Grihya one, while in the case of Sarvâdhâna, (he should retire attended) by Śrauta Fires alone and no other. If somehow, on account of the (reasons) of (his) elder brother being an Anâhitâgni ('one who has not kindled the Sacred Fires') or the like, the Śrauta Fire have not been kindled (by him), then, it should thus be understood with discretion, that he should retire (to the forest) attended by mere Aupâsana Fire. And this carrying of the Fire is for the purpose of effecting the rites such as Agnihotra and the like that are to be accomplished in them. Thus, therefore, (does) MANU (state): "Let him offer according to the law, the Agnihotra with three Sacred Fires, never omitting the new moon and full moon sacrifices at the proper time" (VI. 9).

An old man or one to whom a grandson is born should retire to the forest.

He should offer offerings in the fires.

174. (An objection). But how then does the performance of Agnihotra and the like rites come to him who has entrusted his wife (to the care) of his son, and is, therefore, without her? For the rule, "One shall worship the Fires attended by his wife" lays down a regulation that they are entitled to (perform) it (only) when they can do it jointly.

Is Agnihotra possible without his wife about him?

(Answer). (It is) true (that it is) so, but here on the very strength of the rule of entrusting his wife (to the care of his son) it is understood that he is allowed to (do) it without any necessity of her (attendance by his side). For it is like (the case of) her menstrual courses, and on the strength of the (following) rule that she might be excluded (from his side under such conditions), there is no necessity of her (attendance): "He whose wife happens to be in her menstrual courses on a sacrificial day, he shall make the offerings excluding her (from his side)." Or (it might be

taken that) there is no conflict because the wife gives her consent to her husband who is about to retire to the forest.

175. Nor should it be wrongly supposed that just as there is a total absence of the Agnihotra and the like (rites) in the case of a Brahmachârin and even a widower, who retire to the forest, even so there is an absence of Agnihotra and the like (rites in the case) of him also who has entrusted his wife (to the care of his son), for the text (laying down the Agnihotra etc.) (has) no (semblance of being a) non-compulsory rule. And, in fact, there is no (such thing as) prohibition of a Brahmachârin or a widower from (performing) the rites (that are) to be accomplished in fire, for (texts) are found requiring them to perform the (sacrificial rites) in the Śrâvaṇika Fire, which he has to kindle at the end of the fifth month (of his going there). For, says the text of VASISTHA: "A hermit shall wear (his hair in) braids (and) Chira cloth, and skin. (He) shall not step on ploughed (land). (He) shall gather wild-growing roots and fruits only. (He) shall observe absolute celibacy. (He) shall sleep on the ground. (He) shall only give (what he can) and never accept anything. At the end of five months he shall kindle the Fire according to the Śrâvaṇika (rules), shall remain an Âhitâgni, live under the shade of a tree, and make offerings to the gods, manes, and men Such a one attains to endless (bliss in) heaven" (m). Chîra is a portion of a raiment or cloth made of bark fibres. (He) shall not step on ploughed (land), (that is to say,) he shall not inhabit (any piece of) land that has been ploughed. (He shall kindle the Fire) according to the Śrâvaṇika mode enjoined in the Vedas and not in the ordinary manner. That is the idea.

The text laying down Agnihotra is not an optional rule.

The kindling of Śrâvaṇika Fire a necessity.

5 10 15 20 25

SECTION II.—THE OBSERVANCES OF A HERMIT.

176. This (text), namely, "(One shall) retire (to the forest) attended by his (Śrauta) Fires and Aupâsana (Fire)," has been stated for the purpose of (laying down an injunction) that he shall perform the rites (that are) to be accomplished in the Fires (as laid down) in the Śruti and Smṛitis, and (the sage now) states the rule regarding the material (to be employed therein): 30

XLVI. With articles (grown) without piercing (the earth) with a plough, he shall satisfy the Fires, etc., the manes, gods, chance-guests, and so forth, dependants and so on, wear (his) beard, and (hair in) braids, and hair on the body, and remain concentrated in self. 35

(m) There is considerable difference between this quotation and the text of VASISTHA as found in Jolly's edition of that Smṛiti, Chapter IX.

The use of the term 'Phâla' ('plough') (is to indicate by) synecdoche an implement (serving) to pierce the earth. He shall satisfy the Fires, (that is,) shall finish the rites (that are) to be performed in the Fires with materials grown on an unploughed land, (that is,) wild rice, bamboo seeds, Śyâmaka grain (*mm*), and so on. 5

The offerings are to be made with the oil of various fruits etc.

177. Because of *cha* ('etc.') (in the text) (it is inferred that) he shall present alms also with that very (material). Similarly he shall with that very (material) satisfy the manes, gods, chance-guests, and even living beings (as understood) from 'cha' ('and so forth'). And similarly (he shall satisfy) the dependants and even those that arrive at the Âśrama (as inferred) from (*cha*) 'and so on.' Just so has MANU: "Let him perform the Bali-offering with such food as he eats, and give alms according to his ability; let him honour those who come to his hermitage with alms consisting of water, roots, and fruits" (VI. 7). 10 15

He should give alms, feed chance-guests, and make Bali offerings with the same material.

178. Having thus performed the five great sacrifices, even he should partake of only what is left (after those sacrifices have been performed). For says the text of MANU: "Having offered those superiorly pure (*n*) sacrificial viands, consisting of the produce of the forest, he may use the remainder for himself (mixed with) salt prepared by himself" (VI. 12). '(Salt) prepared by himself' (means), salt obtained from saline beds. On account of this regulative rule (that settles his using) of hermit's food for the purposes of his meal as well as for the sacrificial purposes, his abstaining from the village food follows as a matter of course. It is for this very (reason) that MANU (says): "Abandoning all food raised by cultivation, and all that belonged (to him) *etc.*" (VI. 3). 20 25

His meal with what is left.

179. (An objection). But how can he completely keep aloof from rice and the like food materials used in villages as the new moon and full moon rites in Fire are to be accomplished with such? Nor should it be said that on the force of the special text, "With articles (grown) without piercing (the earth) with a plough," rice etc. have been excluded. For, it is improper that a Vedic rule is contradicted by a Smṛiti text although the latter has the characteristics (of being a) special (rule), and it is also possible that the rule relating to the material (grown) without piercing (the earth) with a plough, may be construed as referring to the rites (that are) to be performed in the fires and enjoined in the Smṛitis. 30 35

How can he do without rice when it is required for sacrificial purposes?

(Answer). (It is) true (that it is) so, but here, as there is the possi- 40

(*mm*) Panicum Frumentaceum or colonum.

(*n*) Buhler has 'most pure.'

bility of even rice and the like being grown without piercing (the earth) with a plough, there is no contradiction. Thus, therefore, has it been stated by MANU: "With sacrificial (o) grains fit for hermits (p), which grow in spring and in autumn, and which he himself has collected, let him severally prepare Purodâśa and Charu as the (sacrificial) law directs" (VI. 11). Although the quality of being Medhya ('fit for sacrifices') is present intrinsically (in the case) of wild rice and the like food-stuffs of hermits (q) which grow of their own accord, the employing again of the term 'Medhya' ('sacrificial') is done for the purpose of bringing in rice etc. that are fit for sacrifices. *Medha* (denotes) a sacrifice, and that which is fit for it is *medhya* ('fit for sacrifices').

He can use wild rice etc. for the purpose.

180. Likewise he shall wear (his) beard, (that is,) hair growing on the face, (his) hair on the head which has been twisted into braids, and also hair growing in the arm-pit, and so on. The use of the term 'hair' is a synecdoche (and is denoting) of even nails. Just so (has) MANU: "Let him always wear (his hair in) braids, the hair on his body, his beard, and his nails (being unclipped)" (VI. 6).

No shaving.

181. And similarly he should remain concentrated in self, (that is,) devoted in meditating upon the Supreme Self.

182. (The sage now) speaks of a regulative rule in (the matter of) gathering the materials referred to above:

XLVII. He might make a hoard of the materials (sufficient) for a day, a month, or six months, or likewise even a year, and what is made (into a hoard) must be abandoned in the month of Âśvayuja.

He might make a hoard of the material sufficient for a day for (discharging) the acts such as partaking of meal, making of burnt offerings, etc., (producing) visible and invisible (effects). He might (even) make a hoard of materials sufficient for the (various) rites (occurring) during a month, or six months, or even a year, but not more than that. Although it is thus being done (carefully), (yet) somehow if that quantity is exceeded, then he must abandon the surplus in the month of Âśvayuja.

Regulative rule with regard to a hermit's hoard.

183. And next:

XLVIII. Meek, bathing at the three Savanas, abstaining from accepting gifts, etc., studying the Vedas,

(o) Buhler has 'pure.' This substitution is to suit the explanation that follows.

(p) Buhler has 'ascetics.'

(q) S. omits 'foodstuffs of hermits.'

given to gift-making, and devoted to the well-being of every living being,

Meek (means) devoid of self-pride. He must observe bathing at three Savanas, (that is,) morning, middle part of the day, and afternoon.

A hermit's behaviour and conduct.

Similarly he must be averse to accept gifts, and 5 because of *cha* ('etc.') (in the text) (it is understood that he) must also abstain from conducting another's sacrifices etc. He must study the Veda, (that is) he must be devoted to the Vedic study. Similarly he must habitually give alms of fruits and roots, and be well occupied in doing what is good to every 10 living being.

184. And more:

XLIX. Using his teeth as the mortar, eating what is time-ripe etc., and using stones to grind (he shall remain), and with the fruit-oils he shall per- 15 form the rites enjoined in the Vedas and Smṛitis, and likewise the (other) acts.

Dantolûkhala ('teeth-mortar'), means to use *Danta*, teeth, alone as *ulûkhala*, mortar, (that is), an instrument used in husking grains, and he

His mortar etc.

who has that is a *Dantolûkhalika*, one who uses 20 his teeth for the purposes of a mortar. That which gets ripened by time itself is called time-ripe, (and it indicates) wild rice, bamboo seeds, Śyâmaka, and the like grains, as well as Jujube, Iṅguda, etc. fruits; and one who habitually eats it (is described as one) who eats what is time-ripe. The term *vâ* ('etc.') is used with the 25 intention (of bringing in) the fact that he might eat what is cooked on fire as it is stated by MANU: "He may eat either what has been cooked on fire, or what has been ripened by time" (VI. 17). "Using stones to grind" he might be, (that is to say), he is so described as one whose (acts of) grinding or pounding is done with stones. 30

185. Likewise the rites enjoined in the Śrutis as well as Smṛitis,

His oil is of sacred trees.

and also such acts as eating, besmearing the body, etc., possessing a visible effect, should be performed, not with ghee and the like, but with oil substances produced of the sacred trees, such as Lakucha (*qq*) and 35 Madhûka (*qqq*). And so has MANU: "(Let him eat) productions of pure trees, and oils extracted from forest-fruits" (VI. 13).

(qq) Artocarpus Lacucha.

(qqq) Bassia Latifolia.

SECTION III.—A HERMIT'S AUSTERITIES.

186. (The sage now) says by way of excluding (for him) the two meals (per day) which have been enjoined as serving human purposes:

L. Always he must pass his time by (performing) Chândrâyaṇas, or live by (observing) Kṛichchhras. Or he might eat when even a Pakṣa has elapsed, or when a month or the daytime has elapsed. 5

He must pass his time by observing Chândrâyaṇas, the nature of which will be described. Or he might spend his time by observing Kṛichchhras, (such as) Prâjâpatya etc. Or, otherwise, he might eat 10 when a Pakṣa consisting of fifteen days has elapsed. Or when a month has passed he might eat, or when the daytime is past, (that is), at (the) night (time). And because of the word *api* ('even') (which occurs in the text), it is inferred that he might eat at the fourth (meal) time and so on. Thus says MANU: 15 "Having collected food according to his ability, he may either eat at night (only), or in the daytime (only), or at every fourth meal-time, or at every eighth" (r). Of these (alternatives) regulating his (meal) time, (that) alternative which suits his ability (should be chosen).

His meal time.

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187. And more:

LI. Pure he must sleep at night on the ground and spend the day on foot, or he might employ himself in standing or (in assuming various) postures, or with the practice of Yoga and the like.

Leaving out the hours of meal or his employing (himself in other 25 acts,) he must, when it is night, sleep pure, (that is,) in a pure condition, and neither sit nor even (remain) standing. As day-sleep is prohibited with reference to man in general, (this text) does not tend to exclude that any more. Likewise he must sleep on the ground itself, and, particularly, 30 not on the ground on which a bed is spread, (or on which is placed) a cot or the like.

The manner of his spending the day and night.

188. But the day he must spend on foot (s), or he might spend the day by employing himself in standing or assuming various (Yogic) postures, by moving from place to place, or thus,—standing for some time, 35 sitting for some time, and so on. Or he might spend it in practising Yoga.

(r) VI. 19. There being two meals a day in the case of a Gṛihastha, this means that he must eat once in two days, or once in four days. See note (k) above.

(s) APARARKA has *divasaṃ prapadaiḥ* which he interprets as the day by standing on the tiptoes. But the reading adopted by VIJNANESVARA is *divâ saṃprapadaiḥ*, 'the day on foot.'

And MANU has (this): "In order to attain complete (union with) the (Supreme) Soul, (he must study) various sacred texts contained in the Upaniṣads" (VI. 29). "In order to attain complete (union with) the (Supreme) Soul" (means) for the attaining of the condition of BRAHMAN. As the word 'Tathâ' ('and the like') (occurs) in the text, it is inferred 5 that) he might employ it even in rolling upon the ground, for says the text of MANU, "Let him either roll about on the ground, or stand during the day on tiptoes" (VI. 51). Tiptoes are the digits of the foot.

189. And more :

LII. Staying in the middle of the five fires in 10 the hot weather, sleeping on the open mound during the rainy season, having wet clothes on in winter, or even (otherwise) according to his ability, he must conduct austerities.

A year (is constituted of) three seasons, (and it is) pointed out (that 15 they are) "hot, rainy, and cold seasons." During the hot weather which consists of four months beginning with (the month of) Chaitra, he shall stay in the midst of five fires, (that is), four fires in the four (cardinal directions) and the sun over the head. Likewise in the rainy season, (that is,) during the four months counting from (the month of) Śrâvaṇa, he shall sleep on 20 the open mound, (that is,) stay on the ground (on which is) not (placed any contrivance to) ward off the rain drops. In winter (or) the four months commencing with (the month of) Mârgaśîrṣa he shall remain with wet clothes on. He who is unable to conduct austerities in this manner, must

His austerities.

perform at least such austerities as are suited to his 25 ability. He shall try so (as it would effect a) drying up of the body. For says the text of MANU: "Practising harsher and harsher austerities, let him dry up his bodily frame" (VI. 24).

190. And more :

LIII. Not getting angry (at him) who pricks (him) 30 with thorns, nor being pleased (with him) who besmears (his body) with sandal pastes, he should treat him and him equally.

If any one pricks or variously torments his limbs with thorns and the like, he shall not get angry with him, and if any one besmears, (or) 35

A hermit's uniform behaviour.

causes a pleasing sensation to (his body), with sandal paste and the like, he must not be pleased with him (in any pronounced manner). And, (on the other hand), he must be equal towards both two, (that is to say,) should remain indifferent.

191. (The sage now) says with reference to him who is unable to look after the Fires:

LIV. Or having reposited these Fires within himself, he should have a tree to dwell (under), eat moderately and so on, and beg alms in the houses of the hermits 5 themselves for dragging life.

Having reposited (by sacred means) the Fires within himself, he should have a tree to live (under): He is so described because he is one whose dwelling or hermit's 'cottage' (is the shade of the) tree itself. He should eat moderately, (that is,) his food (should 10 be) light, and because there is the word *api* ('and so on') (in the text), (it is inferred that) he might eat fruits and roots as well. Thus says MANU: "Having reposited the three Sacred Fires in himself, according to the prescribed rule, let him live without a fire, without a house, wholly silent, subsisting on roots and 15 fruits" (VI. 25). "Wholly silent" (means) who has taken a vow of complete silence. And when it is not possible to obtain fruits and roots, he should, in the houses of the hermits themselves, beg only as much food as is (necessary) to hold the body and soul together.

His behaviour when unable to look after the Fires.

SECTION IV.—A HERMIT UNDER DISTRESSED CONDITIONS 20 AND CONCLUDING REMARKS.

192. When that (sort of alms) cannot be had, or when he is overpowered by disease, what should be done then? (The sage), therefore, says:

LV. Or having obtained alms in a village, he 25 might, restraining speech, partake of eight morsels.

Or having brought alms from a village, he might, restraining speech, (that is,) observing complete silence, partake of eight morsels. By the rule laying down (that) alms from a village (might be brought) the regulative rule with regard (to his restricting himself) 30 to hermit's food (alone) is of course annulled (for the time of distress). When, again, life cannot be sustained with (only) eight morsels, then what is laid down in another Smṛiti as, "The (quantity of) alms (that might be collected is) eight morsels (in the case) of a Muni (*t*) and sixteen (in the 35 case) of a hermit," should be understood (to hold good).

Food collected by alms in a village allowed at the time of distress.

(*t*) One who observes complete silence.

193. (He now) says with reference to him who is unable to follow any one of these (courses):

Subsisting on air he shall walk towards north-east till the body sinks.

Or otherwise, subsisting on air, (that is, being) one whose subsistence is mere air, he shall walk towards the north-east, (that is,) in a north-easterly direction. He should walk a straight course till the body sinks, (that is,) until his body or physique falls down (never to rise again). Thus says MANU: "Or let him walk fully determined and going straight on, in a (north-easterly) direction" (VI. 31). Or if he has not strength enough to undertake even a death-journey, he shall have recourse to a fall from a precipice or the like (means of death). For says the text of a Smṛiti: "A Vânaprastha may have recourse to a heroic journey (till he drops down to die), falling into fire or water, or falling from a precipice."

He should seek death in case of inability to follow his Dharma.

194. (Such of) those rules that are laid down in the Chapter on Brahmachârins etc. and refer to bathing, sipping (Âchamana) water, and so on, as are not opposed (to his Dharma), hold good even in the case (of a hermit). For says the text of GAUTAMA: "And these (restrictions imposed on students must also be observed by men) of other (orders, provided they are) not opposed (to their particular duties)" (I. iii. 9).

The rules of bathing etc. not opposed to his Dharma apply to his case also.

195. Thus having observed, until his death, the various religious duties such as Dîkṣâ to the performance of a Chândrâyaṇa and so forth, down to the death-journey, he attains an honourable situation in the world of BRAHMAN. Thus says MANU: "A Brâhmaṇa having got rid of his body by one of these modes practised by the great sages, is exalted in the world of BRAHMAN, being (rendered) free from sorrow and fear" (VI. 32).

These entitle him to the world of BRAHMAN.

196. The world of BRAHMAN is a particular locality (in space) and not the Eternal BRAHMAN, for the word 'Loka' ('world') is not used with reference to That, and no attainment of Mokṣa is recognized unless through the fourth order of life. Nor should it be wrongly supposed that the condition of That (BRAHMAN) is possible, for the text prescribing the meditation on BRAHMAN as, "Or else with the practice of Yoga," would otherwise become untenable. For it is possible to construe it as even having for its purpose the attainment of the world of BRAHMAN. Thus, therefore, in the Veda, having begun the topic thus, "Three are the branches of Dharma"; having described the nature of the Dharma of a householder, a hermit, and a Naiṣṭhika (respectively) as, "The

BRAHMAN, the world of BRAHMAN, and Mokṣa.

three, namely, sacrifice, Vedic study, and gift-making (form) the first; that which comprises unaided austerities (is) the second; and celibacy and also living with the family of the preceptor absolutely until one comes to his end is the third;" and having described the attainment of the meritorious worlds (with reference) to those belonging to the three orders 5 of life, (it is) in these words, "He who is centred in the BRAHMAN attains Eternity," expressed, after the law of the Pariśeṣa ('remainder'), that the attainment of Eternity which is characterized by complete emancipation, is only in the case of a Sannyâsin who is centred in the BRAHMAN. Of course, the text, namely, "He who performs Śrâddhas and he who speaks 10 truth attains Mukti, though he is a householder" establishes (the fact) that Mokṣa (is possible) even to a Gṛihastha; but that is to be understood (to hold good in the case) of him who will have lived the life of a Sannyâsin in some (future) birth.

II.

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CHAPTER IV.

THE FUNCTIONS OF ASCETICS.

SECTION I.—WHO SHOULD EMBRACE SANNYÂSA?

197. Having enumerated the duties of hermits, (the sage) now introduces the duties of ascetics (as they come) in the order: 5

LVI. From the forest or from the house; after having performed Prâjâpatya Iṣṭi characterized by the gifts of all one's possessions and so on; and having reposited those Fires within himself;

LVII. He who has studied the Vedas, who has 10 performed the Japas, who has (begotten) children, who has presented food (to others), who has kept the Sacred Fires, and who has performed the sacrifices according to his ability, may turn his attention to (the attainment of) Mokṣa and not otherwise. 15

198. Having dwelt in the forest for that length of time by which his body being rendered dry on account of harsh austerities, his (attachment to) objects and passions grow completely withered and there remains not the remotest possibility of the appearance of pride in him any longer, (it is) only then that he should 20 turn his attention to Mokṣa. By the two terms 'Vana' ('forest') and 'Gṛiha' ('house'), the orders of life relating to them are indicated by synecdoche, and by the term 'Mokṣa' (is indicated) the fourth Âśrama, the reward for which is Mokṣa and nothing more.

A hermit should embrace Sannyâsa.

199. Or from the house, (that is,) after having discharged the duties 25 of a householder, one may turn his attention to Mokṣa. From this also (the sage) points out that the view (of holding that all) the four Âśramas (should be lived) in regular succession, (a view) already noticed above, is (only) one side (of the matter). And similarly (the view, namely, that all 30 the four Âśramas should be lived in succession is) not absolute, is authoritatively laid down in Jâbâla Śruti thus: "Having finished (all the aspects of) Brahmacharya one should become a householder, having been a householder one should become a hermit, and having been a hermit, he should renounce the world; or else, though it is contrary (to this,) one 35

The above rule not absolute.

might turn out a Sannyâsin directly from Brahmacharya, or from the (life of a) house, or from (that of) forest" (u). And likewise a rule deprecating the Aśramas subsequent to that of a householder is laid down thus by GAUTAMA: "But the venerable teachers (v) (prescribe) one order only, because the order of householders is explicitly prescribed (in the Vedas)" (I. iii. 35). And of these cases,—(the view of the necessity of living all) the four Âśramas in (regular) succession, (the view) that it is not absolute that all the four Âśramas should be lived in regular succession, and (the view of) deprecating the Âśramas subsequent to that of a householder,—a choice (of one of the alternatives is allowed) at the option of the individual as all of them are based on the (texts of the) Vedas.

GAUTAMA's text.

200. Thus, that which is urged by some as, 'The Naiṣṭhika (Brahmacharya) and the like (orders), being but of a Smṛiti origin, are revoked by the order of householders which has got a Vedic origin, or (they may be taken to) refer to (the case of) such (persons) as, (being) blind, impotent, etc., are excluded from the right or to the order of a householder,' should be rejected as it conclusively proves that (the expounders of such a theory) are completely devoid of the study of one's own branch of the Veda (or) the Vedas (in general). Moreover, just as on account of their inability to Viṣṇukramaṇa, Âjâvekṣaṇa and so on, the cripple etc. have no right to the (performance of the) Śrauta rites(vv), so their inability remains (of the) same (character) even with regard to the carrying of water-pots, going about for collecting alms, etc., and thus although (these are acts) of a Smṛiti origin (and performed as part of Brahmacharya), how

An argument for the objection refuted.

(u) Jâbâla Upaniṣad.

(v) HARADATTA justifies the plural here while Buhler holds an opposite view. See Buhler's note S. B. E. series, Vol. ii, pp. 193-4.

(vv) This is what is called Tiryag-adhikaraṇa, and sometimes an Adhikaraṇa which denies the right of the disabled to perform the sacrificial rites. For example a blind man cannot look into the ghee that is to be offered to the gods, a cripple cannot go through the process technically known as Viṣṇukrama, a deaf man cannot hear what the Adhvaryu ('the chief priest') says, and a dumb man cannot utter the necessary chants he himself has to do, and in the case of Tiryach, a beast, there are many more defects. It cannot be admitted that all such persons and beings have equally the love of heaven, and, therefore, the sacrifice must be regarded as complete when they have exerted their utmost and discharged the sacrificial functions to the utmost of their ability. For such rites as looking into the ghee, Viṣṇukramaṇa, and so on are essential components, and when they are either omitted are imperfectly done, the sacrifice itself cannot be regarded as being completed. (See JAIMINI, vi. i. 5).

Ajyâvekṣaṇa (*'Looking into the ghee*). There are several processes with regard to ghee, clarifying it, looking into it, etc. (See Nyâyamâlâvistara, III. i. 10). Reference to looking into ghee occurs in Śatapatha Brâhmaṇa, I. iii. 1-18, of which the following is a translation: "She looks down upon sacrificial butter, for assuredly the wife is a woman, and the butter (represents) the seed; hence a productive union is thereby brought about. For this reason she looks towards the butter" (Eggeling).

then can it be that a (satisfactory) discharging of (the functions of) Naiṣṭhika and other Âśramas be taken to refer to the cripple and the like?

201. Futher, a right to this Âśrama rests only with a Brâhmaṇa. MANU (has thus): "Having reposited the Sacred Fires in himself, a Brâhmaṇa may depart from his house (as an ascetic)" (VI. 38). And likewise (he has this): "Thus the fourfold holy law of a Brâhmaṇa has been declared to you" (V. 98). Thus because both by the introduction and conclusion (the fact) that the right to that Âśrama rests fully with the Brâhmaṇa is established by MANU, and also because the (following) text of Śruti (says), "The Brâhmaṇas should turn out ascetics," the right (to that order) rests only with most superior Brâhmaṇa caste and not with the twice-born (classes) in general. Others hold that inasmuch as it is said with reference to the three twice-born (classes), and also as (there is the authority of the) text of the Sûtra-writer (*w*) that, "(For persons) of (all) the three Varṇas, there is the study of the Vedas and the four Âśramas," the right rests with one who is a twice-born (man) in general.

This Âśrama is only for a Brâhmaṇa.

Another view that it is open to all the three twice-born classes.

202. When he turns out an ascetic from the forest or household (life), then he shall perform Sârvavedasa-dakṣiṇâ-iṣṭi—that is so described because that is one which involves Sârvavedasî Dakṣiṇâ, or a making over in gift all the wealth one possesses—which is performed in honour of the deity PRAJAPATI; at the end of that (Iṣṭi) reposit the Vaitâna Fires within himself according to the process prescribed in the Vedas; perform as it can be inferred) from *cha* ('and so on'), (a word occurring in the text), initiatory rites (in the manner) laid down by BAUDHAYANA and others thus, "After having first performed the initiatory (sacrificial) rites on a full moon day (during that half of the year) when the sun courses northwards, he shall keeping his person pure, present the eight Śrâddhas or even twelve; and (only) if he has likewise finished the Vedic study has

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Viṣṇukramaṇa. There is also reference to this in Śatapatha Brâhmaṇa. 'He now ascends (the cart by the southern wheel) with the text, "May VIṢṆU ascend thee." For VIṢṆU is the sacrifice, by striding ('Vikrama') he obtained for the gods this all-pervading power (Vikrânti) which now belongs to them. By his first step he gained this very (earth), by his second the aërial expanse, and by the last the sky. And this very same pervading power VIṢṆU as sacrifice by his strides obtains for him (the sacrifice)' (Eggeling).

N. B.—The point to be noticed here is one is entitled to do a thing only when he can discharge it satisfactorily with all its details. On this very principle the disabled etc., have been prohibited from undertaking Śrauta rites, and the disability remaining the same, such cannot undertake Naiṣṭhika-Brahmacharya, which necessitates perfect freedom from disabilities. How can it be then, argues VIJÑANEŚVARA, that Naiṣṭhika-Brahmacharya is reserved for the disabled?

(*w*) The original has 'Sûtrakâra.'

devotedly performed the Japas, has procreated children, has according to hisability given food to the poor, the blind, and the needy, and (also those) who solicit it (of him); and (if he) has, in case there was no obstacle (to his keeping of the Sacred Fires) such as the not keep 5 ing of the Sacred Fires by his elder brother and the like (reasons), kindled the Sacred Fires and performed the sacrifices (that are) obligatory as well as (those) occasioned (by special circumstances), he should turn his mind towards the (attainment of) Mokṣa, (that is,) he should enter upon the fourth order of life, and not otherwise. (The sage) hereby shows that 10 the right to (the order of) Sannyâsa rests (only) with him who has discharged the three debts. Thus says MANU: "When he has satisfied the three debts let him apply his mind to (the attainment of) the final liberation; he who seeks it without having satisfied (his debts) sinks downwards" (VI 35). 15

One should become a Sannyásin after duly discharging his duties as a Brahmachârin, a householder, etc.

203. When, however, he turns out an ascetic from Brahmacharya, then no rules, such as of procreation of children, (are) binding upon him. For there is no scope for such (acts) (in the case) of one who has not taken a wife, and as to marriage (it has about it) a feature of being impelled by 20 attachment. Nor should it be wrongly supposed that the very rule which ordains (the necessity of) discharging the three debts brings down with it (the compulsion of taking) a wife. For, (taking of a) wife being possible by other impulses (x), it requires no (introduction by) any (rule) as (does) learning or earning wealth a regulative rule. 25

Case of a Brahmachârin turning out an ascetic.

204. (An objection). Well, it is shown by the text, "By the very entering on the world, indeed, a Brâhmaṇa is born subject to the three debts—to the Ṛiṣis by Brahmacharya, to the gods by sacrifices, and to the manes by progeny," that procreation of children and the like (functions) are 30 compulsory to one on account of his very birth as a (Brâhmaṇa).

The question of three debts in the case of all the Bráhmaṇas.

(Answer.) It is not so. For, one who has not taken a wife has no right to (perform) sacrifices etc. because of his very entrance on the world and, therefore, its meaning is that one who enters on the world of Adhikâra ('right') shall perform sacrifices etc. And thus, to one who is initiated 35 into Brahmacharya, the Vedic study is (the) only compulsory function, and to one who has taken a wife and (kindled) the Sacred Fires, the procreation of children (is an) additional (duty). Thus there is no conflict.

(x) Here is a principle on which all the rules of Hindu sociology etc. are based. In certain cases things are brought about by natural impulses and all that the Sâstra does in that connection is to regulate it so that the greatest amount of benefit may arise out of it. For example, eating is *râgaprâpta* or propelled by a natural impulse. Sâstra need not say that one should eat when he is hungry, though it says what, when, or how he should eat. The case of marriage too is the same. Sâstra need not ask one to marry though it certainly lays down marriage laws. Such a rule which regulates what is *râgaprâpta* is a Niyama or a regulative rule.

SECTION II.—THE DHARMA OF A SANNYÂSIN.

205. Having thus described what (sort of persons) have the capacity (to embrace Sannyâsa), (the sage) now deals with their duties:

LVIII. Good to all beings, tranquil, being a Tridaṇḍin, wearing a bowl, and solitude-loving (he shall be) after turning out an ascetic, and might resort to a village for his alms. 5

To all beings that might do good or evil (to him), he shall be good, (that is,) indifferent, but not (actively) disposed to do (even) good. For says the text of GAUTAMA, "He must be indifferent to (do) injury or good"(y). 10 (He shall be) tranquil, (that is,) shall suppress his external and internal senses. He is called a Tridaṇḍin ('a wearer of three Daṇḍas') because he has got *trayaḥ*, three, *daṇḍas*, staffs. And it must be understood that those staffs are to be of bamboo. For it is pointed out in another Smṛiti that 15 "After performing an Iṣṭi in honour of PRAJAPATI deity, he shall wear in his right hand three bamboo staffs (so) high (as) to reach his head, and in his left a bowl full of water." He might wear even an only staff, for says the text of BAUDHAYANA, "(He shall be) an Ekadaṇḍin ('a wearer of only one staff') or a Tridaṇḍin ('a wearer of three staffs')," and also it is pointed 20 out thus in Chaturviṃśatimata: "Having entered upon the fourth order (of life) one shall be devoted to the knowledge of BRAHMAN, wear one staff or three staffs, and free himself from contact with anything."

How a Sannyâsin should be.

He must wear one staff or three staffs.

206. And likewise, the wearing of hair is optional. For, says the 25 text of GAUTAMA, "He may either shave (off his head clean) or wear a lock on the crown of the head" (V. iii. 22), and also the text of VASISTHA, "An ascetic shall have his head shaved (clean), shall not possess anything, shall have no anger, and shall accept no favour" (X. 6) (z). 30

His shaving is optional.

207. And likewise even the wearing of the sacred thread is certainly optional. For it is stated in Kâṭhaka Śruti: "Having cut the hair along with the tuft on the crown, and having removed the sacred thread, *etc.*"; says the text of BASKALA, "The family as well as

(y) The original as explained by HARADATTA consists of two Sûtras "*samo bhûteṣu hiṃsânugrahyoḥ*" (I. iii. 23) and *Anârambhî* (I. iii. 24) which mean, ("He shall be) indifferent towards (all) beings (whether they do him) injury or a kindness." "He shall not undertake (anything for his temporal or spiritual welfare)." But VIJNANESVARA takes the last word of the first Sûtra with the second and hence the above interpretation results. Such a thing is often called *kâkâkṣinyâya* or the manner of moving the eye-ball of the crow. But here the meaning changes.

(z) The Bombay Sanskrit series edition of VASISTHA has only "*mundo amamo aparigrahaḥ*" which is slightly mistranslated by Buhler as, "(let an ascetic) shave (his head); let him have no property and no home."

children and wives, and every branch of the Vedâṅgas, and also the hair as well as the sacred thread, he shall remove, and move unobserved without talking;" and it is also observed in the Pariśiṣṭa thus, "Then he should throw down (as an offering) his sacred thread into water repeating (the formula), '*Bhûḥ svâhâ*,' and take the staff (into his hand) saying, 'Friend, protect me' (*a*). 5

A patched cloth in cases of inability.

208. In case of inability, he might take even a patched cloth. For says the text of DEVALA: "He must wear an ochre-coloured robe, have his head shaved (clean), wear a Tridaṇḍa, and have about him a water-bowl, a 10 Pavitra, sandals, a seat, a patched cloth, and nothing more."

209. He shall also have a Kamaṇḍalu for (taking water) the purposes of purification and so on.

Solitude.

210. Solitude-loving (he shall be), (that is,) he shall have no company of any other Sannyâsin, nor (be attended) 15 by women who are ascetics: For by the text of BAUDHAYANA that "Some (say) (that asceticism is allowed even in the case) of women," asceticism (is allowed) even (in the case) of women. Just so has DAKSA: "A Sannyâsin (shall remain) alone, and also (observe all the duties that) have been described. It is declared that just two 20 form a union, three (are) declared (to form) a village, and more (than three are) comparable to a city. The political talk etc., the talk of the alms (they have) respectively (collected), and even (*b*) (mutual) slandering and jealousy (do) no doubt arise among them."

211. (The original has) *parivrajya* ('after turning out an ascetic'), 25 and the root *vraj* ('to go') preceded by *pari* ('all about') is (used) in (the sense of) (complete) abandoning. And thus he must completely give up all personal references as "I" and "mine," and also all the multitudinous rituals of an ordinany nature that result out of that (personal pride), (and give up) as well the Vedic rites of the nature (of being) compulsory 30 or (performed) with a desired object.

Complete abandonment.

It is so said by MANU: "The acts prescribed by the Veda are of two kinds, (that which) procures happiness and prosperity and (that which) procures Mokṣa, and they are respectively called Pravṛitta and Nivṛitta(*c*). That rite which has a 35 desired object whether here or in the next world is declared Pravṛitta, while that unattended by desire but accompanied by true knowledge is

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(*a*) It can be seen that all the texts cited are favouring of removing the sacred thread, and VIJNANESVARA ought to have cited some other text to the contrary before he could say that it is optional.

(*b*) S. has *atipaiśunyam*, excessive slandering.

(*c*) XII. 88. "'Well, it has been described that a Vedic rite is Pravṛitta alone, and why is then said that it is of two kinds?' 'This is not wrong. The more important of those two is explained as the Vedic ritual which is called Nivṛitta, and not the Agnihotra and the like. The feature of their being Vedic holds good exactly in either case.'"—MEDHATITHI.

described as Nivṛitta. After giving up the rites though described at that length, a Brâhmaṇa should exert himself in (acquiring) the knowledge of the soul, in extinguishing his passions, and in studying the Veda" (XII. 88-9,92). The study of the Veda is here the study of Praṇava (cc), and in that (direction) he should exert himself. 5

212. For the purpose of obtaining alms he might resort to, (that is,) enter, a village, and not for the purpose of living at ease. But if it is rainy season, there is no harm, for, says the text of ŚANKHA, "Beyond the two rainy months, he shall not live in a single place." And in case of inability on the other hand, 10 he might stay even as long as a period of four months, for, says the text of DEVALA, "(A Sannyâsin) shall not stay long in a place other than when it is rainy season," and "The four months beginning with the month of Śrâvaṇa form the rainy season." And (there is also) the text of KANVA, "(At a time) other than the rainy season one might live for one (day and) 15 night in a village, and five (days and) nights in a city, while during the rainy season he might live for four months."

He can go to a village during the rainy season.

SECTION III.—A SANNYÂSIN'S MODE OF COLLECTING ALMS AND EATING.

213. (The sage) says how he should go about to collect alms: 20

LIX. Unfidgety and without seeking distinction, he shall in the evening go about for alms, just to maintain the body and without craving, in a village free from beggars.

Unfidgety, (that is,) free from fidgety movements of speech, eye, and 25 so on, he shall go about for alms. Certain particulars (too) have been laid down by VASISTHA in this connection: "Let him beg (his) food at seven houses which he has not selected (beforehand)" (X. 7).

Going about for alms.

214. In the evening, (that is,) during the fifth part of the day(*d*) 30 (he should go about for alms). Just so has MANU: "When no smoke ascends from (the kitchen), when the pestle lies motionless, when the embers have been extinguished, when the people have finished their meal, when the remnants in the dishes have been removed, let the ascetic, always, go to beg" 35 (VI. 56). And likewise, "Let him go to beg once (a day), and let him not be eager to obtain a large quantity (of alms); for an ascetic

Begging in the evening.

(cc) The syllable 'Om.'

(d) The day time being divided into five parts, the parts in order go by the name of the Morning, the Forenoon, the Middle part of the day, the Afternoon, and the Evening.

who eagerly seeks alms, attaches himself also to sensual enjoyments" (VI. 55).

215. Without seeking distinction (means) not being marked for (ability in) teaching astrology, scientific truths, the imparting of secret knowledge, and so on. For it has been said by (MANU) himself: "Nor by (explaining) calamitous forebodings and omens, nor by skill in astrology and palmistry, nor by giving advice and by the exposition (of the Śâstras) let him ever seek to obtain alms" (VI. 50)(*e*).

Not seeking distinction.

216. (There is that text) again, however, which is stated (thus) by VASISTHA, "Or in the morning and in the evening he may eat as much (food) as he obtains in the house of one Brâhmaṇa, excepting meat," but it refers to the case of one who is unable (to follow the usual rule).

217. (He should seek alms) in a village free from beggars, (that is,) from those who are Pâṣaṇḍas etc., whose habitual mode (of life) is to beg. Certain particulars have been laid down by MANU, (also) in this connection: "Let him not (in order to beg) go near a house filled with hermits, Brâhmaṇas, birds, dogs, or other mendicants" (VI. 51).

The village.

218. He should beg only as much (as is necessary for him) to preserve life. Just so has SAMVARTA: "Having received without speaking, eight alms (morsels) (*f*), or seven, or only five, he shall wash them all with water, and then eat observing silence. "Without craving" (means), without having any desire for sweet food, condiments, and so on.

The quantity.

219. (The sage now) speaks of the vessels for the purpose of receiving alms:

LX. The vessels of a Sannyâsin (are) of earth, of bamboo, of wood, and of gourd, and the purification to them is (with) water as well as brushing with the cow's tail.

The vessels made of earth and so on are the vessels that ascetics (have to use). Water as well as brushing with cow's tail are the means of their purification. This process of purification is a (ceremonial) essential (to those vessels) before they (can) be used for collecting alms etc., and does not refer to the case of (purifying them) when they are defiled by impure substances and so on. Thus, therefore, (has it been stated) by MANU: "His vessels shall not be made of metal, they shall be free from fractures; it is ordained that they shall be cleansed with water, like (the ladles,

His vessels are of earth etc.

(*e*) Buhler has prodigies where this translation has 'calamitous forebodings.'

(*f*) The quantity of alms is but a morsel, which again is of the size of a peacock's egg. See under I, 108.

called) Chamasa, at a sacrifice" (VI. 53) (*g*). By expressly stating a comparison with the sacrificial ladles, (it is) pointed out (that this) purification is (a ceremonial essential previous) to the (vessels) being used.

220. When there is no vessel other (than the one in which he receives alms), he might eat from that very (vessel). For says the text of DEVALA: "Having accepted the alms they give, he shall, unobserved, eat in that (very) vessel, or another, without (reciting) any Mantras (over it), and only (as much quantity as is necessary) to keep the body and soul together. 5

His dining dish.

SECTION IV.—PRELIMINARIES TO THE KNOWLEDGE OF THE SELF. 10

221. (The sage now) passes to the topic of the regulative rules forming part of the concentration in the Self of a Sannyâsin who is of the nature above described:

LXI. Having well subjugated the multitude of the senses, having discarded attachment, enmity, and so on, and having relieved the fear of living beings, a Brâhmaṇa becomes immortal. 15

Having well subjugated (or) diverted from the sight and other objects his eye and the rest of manifold senses; having discarded, (or) freed (himself) from, attachment and enmity,—(that is,) the objects pleasing and not-pleasing,—and also envy and the like (as inferred) from *cha* ('and so on') (a word occurring in the text); and not causing fear to living beings by way of doing harm to them and having kept his inner sense ('mind') pure, he becomes immortal or liberated from the world by direct perception of (That) without a second. 20 25

How to make himself immortal.

222. And more:

LXII. Purification of the seat of feelings should be resorted to particularly by a Sannyâsin, for, that is the means of the rise of knowledge, and also for (the purpose that) self-dependence should be procured. 30

Of the seat of feeling, (that is,) mind, which has been tarnished by the love of objects and by the sin resulting from enmity, purification (which is) of (the character of) bringing about the destruction of the taint should be effected by (means of) Prâṇâyâmas, for, that purification becomes the cause of the origin of knowledge, which is of the nature of (effecting a) 35

Purification of the mind.

(*g*) See under I. 183, where he says 'These things free from stain are purified with hot water.'

direct perception of ÂTMAN as One without a second. And (the knowledge) having thus (arisen), attachment to objects and the sin resulting on account of that (attachment),—(the two) obstacles (to the realization)—perish, and also (when there is side by side) meditation upon the Real Âtman and yoking (of the inner sense to superior centres) (h) and so on, one becomes self-dependent. And, (therefore), by a Sannyâsin this (sort of) purification (of mind) should particularly be resorted to, for to him is Mokṣa of the first consideration, and of Mokṣa, again, there is no possibility of securing unless (one starts) with a pure mind. Thus says MANU: "Verily as the impurities of metallic ores, melted in the blast (of a furnace), are consumed even so the taints of the organs are destroyed through the suppression of the breath" (VI. 71).

223. (The sage) delineates the nature of Saṃsâra as a necessary reason for the subjugation of the senses:

LXIII. (These) should be considered, (namely,) life in the wombs etc., the courses brought about by (one's own) deeds likewise, worries, diseases, miseries, old age, change of shape,

LXIV. Birth among a thousand classes (of animals), and the opposite of what is pleasing and not pleasing.

The subjugation of the senses.

In order that non-attachment may be achieved successfully, lives in various kinds of wombs full of urine, ordure, and so forth are to be considered, (that is), well reflected upon, and also birth and death (as suggested by) the word *cha* ('etc.') (occurring in the text). Likewise (are to be considered) the courses of the kind of falling into hells such as Mahâraurava ('the most terrible') and so on, as the result of the acts of performing what is prohibited, and so on. Likewise mental worries, (that is,) those (things) that distress the mind (are to be considered); diseases also such as fever, violent motions of the bowels, and so on (are to be considered); miseries (which are) five, (namely,) Avidyâ, ('wrong knowledge'), Asmitâ('egoism'), Râga('instinctive love') Dveṣa ('hatred'), and Abhiniveśa, ('instinctive love of the world') (are to be considered); old age, (that is,) the condition (of being) overtaken by wrinkles, grey hair, and so on, (is to be considered); change of shape, (that is to say,) the condition of a complete change of the former shape by becoming humpbacked, crippled, and so on (is to be considered); likewise birth (or) taking a body among various kinds of animals such as, dog, pig, donkey, snake, and so forth (is to be considered); and likewise the not coming of what is desired and the coming of what is not desired. Having well meditated upon the nature of Saṃsâra,

(h) Dhâraṇa.

which is thus full of these and many more distresses he should exert himself in (the direction of) subjugation of the senses which is a means to the acquisition of self-knowledge so that all those (miseries) may be averted.

SECTION V—THE KNOWLEDGE OF THE SELF.

224. (The sage now) says what should be done after thus considering: 5

Through Dhyâna-Yoga, he must feel (that) the subtle Âtman is centred in the ÂTMAN.

Yoga is the suppression of actions of the mind, and Dhyâna ('meditation') is keeping sole attention on the ÂTMAN, (that is,) a complete ceasing of the mind's action itself with reference to the external objects. 10

Dhyâna-Yoga.

Through Dhyâna-Yoga, which is otherwise known as Nididhyâsana, (he should) thus (learn) that the Self who is Kṣetrajña ('individual soul') is different from the subtle body, the (five) lives, etc., and is centred in the BRAHMAN, and feel well, (that is,) have a direct knowledge that what is denoted by *That* and *thou* (hh) is the same. Thus, therefore, in the Śruti, is first mentioned the realization 15

ÂTMAN should be perceived.

of ÂTMAN, which is of the character of direct perception (only), thus, "O you, ÂTMAN alone is to be perceived," and then are pointed out Śravaṇa ('listening to'), Manana ('reflecting upon'), and Nididhyâsana ('deep meditation') thus, "should be listened to, reflected over, and meditated upon." 20

225. And next:

LXV. The Âśrama is not essential with regard to the Dharma, for that is (accomplished) in being performed. Thus what is not pleasing to one's own self, that should not be done to others. 25

With regard to the Dharma known as meditating upon the ÂTMAN that has been described in the last stanza, the Aśrama (which requires) the wearing of a staff, a water-bowl, and so on, is not essential,

The fourth Âśrama is not essential for the meditating upon the ÂTMAN.

wherefore, in being performed it certainly becomes not very difficult. Therefore, that which is not pleasing to one's own self, (that is,) what causes distress to one's own mind, such as harsh talk etc., should not be done to others. Thus the disregarding of the Âśrama is to extol that the complete abandonment of the love of pleasure and the love of doing injury (are) the chief things (to be attained), and the particular Âśrama is (but) an auxiliary (to it) inasmuch as that it (merely) effects the (purifica- 30 35

The purpose of disregarding the Âśrama.

tion) of the inner self which is a (necessary) preliminary to the rising of knowledge, and it does not, on the other hand, tend (to hint) a (complete) rejecting 40

(hh). Reference is the text of Chhândogya Upaniṣad, 'Thou art that (VI. vili 7.).

of it, for even that has been enjoined (by the right authority). It is thus stated by MANU: "To whatever order he may be attached, let him though blemished (in wanting external marks) fulfil his duty, equal-minded towards all creatures; (for) the external mark (of the order) is not the cause of (the acquisition of) merit" (VI. 66). 5

226. And more:

LXVI. Truthfulness, not stealing, absence of anger, modesty, cleanliness, sense, courage, tranquillity, the quality of subjugating the senses, and knowledge are described as each (being) Dharma. 10

The tenfold nature of Dharma.

Truthfulness is speaking of what is true and yet pleasant. Not stealing (is) not appropriating (to one's own self) a property (belonging) to another. Absence of anger (is) not to be excited into anger even towards one who does him harm. Modesty (is) the sense of shame. Cleanliness (is) purity with regard to food and so forth. Sense (is) 15 to distinguish between what is agreeable and what is not agreeable. Courage (is) to settle the mind again as before which has been disturbed when what was desirable is gone, and what is not desirable is come. Tranquillity is the abandonment of pride. The quality of subjugating the senses is not excessive attach- 20 ment even to the objects that are not prohibited. Knowledge is knowing of the Self. If these (namely,) truthfulness and the rest are practised, then every Dharma is practised. From this (the sage) points out the superiority of personal qualities such as truthfulness etc. over the external mark of wearing a staff, a water-bowl, and so forth. 25

227. Well, (it may be objected,) it is not right to say that one should realize that his Self is centred in the ÂTMAN, for there exists no difference between Jîva and PARAMÂTMAN, and, therefore, (the sage) says:

LXVII. Just as from the red-hot iron mass, the tiny sparks fly, even so from the presence of the ÂTMAN 30 Âtmans do, indeed, proceed.

Jîva and PARAMÂTMAN.

Of course there is no difference philosophically between Jîva and PARAMÂTMAN, and, nevertheless, from the presence of the ÂTMAN, Jîvâtmans proceed being distinguished (from That) by the differentia of the peculiar quality called ignorance. As it is indeed (so), so it is but proper 35 to hold that Jîva and PARAMÂTMAN are different. Just as, indeed, from an iron mass, (that is,) from a ball of iron which is (heated) red-hot, tiny sparks, which are particles of fire, fly, and having flown (they) obtain the denomination of sparks, even so (it is). Thus it is established that the ÂTMAN centered in one's own 40 self should be realized. Or the meaning is this: Well, (it may be thus objected,) during sound sleep as well as during the time of Pralaya ('total destruction') all the individual souls submerge in BRAHMAN, and to whom

(then) this rule of meditating upon the ÂTMAN should refer. And therefore (the sage) says: "[Just as from the red-hot iron mass, the tiny sparks] fly etc." Of course at the time of Pralaya, they are absorbed from their subtle condition (into the ÂTMAN), and, nevertheless, from the presence of the ÂTMAN, Jîvâtmans ('individual souls') proceed being distinguished (from That) by the differentia of the peculiar quality (called) ignorance, and, again, being under the grip of Karman become charged with the love of material body, and, therefore, there is no inconsistency with regard to the rule of meditation. The example of the iron mass is on account of the resemblance (of the individual souls to the sparks, which apparently) have a separate existence from the iron.

Another interpretation.

228. And well, (it may be said,) the Kṣetrajñas ('individual souls') when they have no bodies have not the quality of moving about, and how, then, the taking of the four sorts of body, viviparous, ovipaprous, etc. that depends upon that (motion) (is possible)? (The sage), therefore, says (in answer):

LXVIII. Being there the Âtman does some deed indeed, out of his own accord, something by spontaneity, and something characterized by Dharma, Adharma, or both by habit.

Of course in that condition (of absorption) there is (in the individual souls) an absence of the action known as moving about, and, nevertheless, there certainly is some mental action of the nature of attempting to do Dharma or Adharma. And that tendency does certainly become the cause of taking a particular body. For says the text of MANU: "In consequence (of sins) committed by speech (he is re-born) as a bird or beast, and in consequence of mental (sins he is re-born in) a low caste" (XII. 9). Thus having obtained a body, (then) out of his own accord, (that is,) without requiring any positive and negative (assertions with regard to his actions),—(that is to say,) in such a manner requiring no positive (assertion), which is, for example, of the nature that if sucking of the mother's milk or the like is done there arises satisfaction, and the negative assertion (which is, for example,) of the nature that if (sucking milk is) not done that (satisfaction) does not arise,—(one) being roused to a consciousness of the action as a result of the belief conceived from an experience of the past birth, does something such as sucking the mother's milk; does something by spontaneity (or) involuntarily, (that is,) such acts as eating of ants etc., which do not involve an expectation of (any) benefit, and does something characterized by Dharma, Adharma, or both on account of habit contracted in a previous birth. Just so (runs the text of) another Smṛiti:—"Whatever is practised, gift-making, study of the Vedas, or austerity, at every birth,

How Jîva takes a body.

on account of the association of that very habit (one) practises that alone again." Thus on account of the peculiarities of the action of the Jîvas, the peculiar nature of the body such as viviparous etc., brought about by the (actions) is but proper.

229. Well, this being the case, (it may be so objected,) the denomination of Jîva being (applied) to BRAHMAN alone in any case, and That possessing Eternity and the like virtues, how (then) the usage that 'VIṢṆUMITRA is born' (and the like) is to be (justified)? And, therefore, (and), (the sage) suspects (this), says:

LXIX. (That which is) Instrumental (and) Imperishable, (is) Doer, Knower, and Brahman, has qualities, (is) Free, and has no birth, is described as born for having taken a body.

Verily the ÂTMAN, on account of Its being pervaded by Ignorance, is in itself exactly all the threefold cause known as the material (cause), accidental (cause), and instrumental (cause), in the matter of bringing about a display of the various worlds, and (that is) not one seated in millions of products, wherefore, that is Imperishable or is free from coming to an end.

ÂTMAN the threefold cause of the worlds.

230. (An objection). Well in this tangible world, which is (but) a product, the quality that is observed is but the one which is tinged with Sattva, and is also of the nature of possessing pleasure, plain, and ignorance: Therefore, it is but proper (to hold) that the bringing about of the world (belongs) to the Prakṛiti itself that has the qualities, and not to BRAHMAN who is Free from qualities.

(Answer). Do not consider so. ÂTMAN alone is the Doer: For, He is the Knower of destiny which becomes the cause of pleasure and pain that is to be enjoyed by the Jîva. Indeed of the Prakṛiti, which is lifeless, the production of a peculiar set of enjoying entities described by the name and shape, (of) things condutive to enjoyment, (of) things to be enjoyed, (of) the abode of enjoyment, and (of) the like manifestation of the world according to Yoga ('association') cannot be expected. Therefore ÂTMAN alone is the Doer.

BRAHMAN creates the world, and not the Prakṛiti.

231. Likewise, He alone is BRAHMAN, (that is,) *bṛiṃhaka*, one who amplifies.

Nor is He free from qualities, for He has got (the Mâyâ) known as Triguṇa-('possessing the three qualities') or Śakti ('force') and Avidyâ ('wrong knowledge'), otherwise called Prakṛiti, Pradhâna, etc. Thus, though, in Himself, He is Free from qualities, He is described as associated with Sattva and the like qualities on account of that force.

ÂTMAN alone the material, accidental, and instrumental causes.

Nor on account of thus very much can Prakṛiti have the quality of being the cause (of the creation), wherefore, ÂTMAN alone is free, (that is,) independent, and there is no other free entity called Prakṛiti, for there is no authority (to support) that it is something of that sort.

Nor should it be said that Prakṛiti alone is the cause, though she is of 5 the nature of force, for that which has force can do work and not force. Therefore, ÂTMAN alone is all the threefold cause of the universe.

And likewise, He has no birth, (that is,) Free from beginning. Thus, of course, there cannot be any direct birth to Him, and, nevertheless, by the very taking of the body He is described as born on account of His 10 being associated with other conditions, and it is as *gṛihastho jâtaḥ* (*i*), he has become a householder.

SECTION VI.—THE CREATION OF THE BODY.

232. (The sage) now describes the manner of the (ÂTMAN'S) taking of the body : 15

LXX. Just as He at the beginning of the creation creates ether, air, fire, water, and earth, each with one quality more than its preceding one, even so He takes (them) even (at the time of) being born.

Just as at the time of creation that PARAMÂTMAN creates ether etc. 20 thus, ether possessing only one quality of sound, air possessing the qualities of sound and touch, fire possessing the qualities of sound, touch, and sight, water possessing the qualities of sound, touch, sight, and taste, and earth possessing the qualities of sound, touch, sight, taste, and smell,— 25 each possessing one more than the preceding one,—even so the ÂTMAN getting into the condition of Jîva, and even (at the time of) being born, (that is,) even when He is creating (Himself), (that is,) even at (the time of) the act of beginning his own body, he takes or assumes them.

The ÂTMAN takes the five elements.

233. (The sage now) says how the body is begun (consisting) of the 30 earth and so on :

LXXI. The Sun is satisfied by the burnt offering, and rain (is caused) by the Sun, and the vegetable (productions) by rain. That food attains the condi-

(*i*) *Jâtaḥ* is the term used in the original. The term *nityajâta* occurs in the Gîtâ II. 26, which ŚANKARACHARYA expounds as *Kṛiddhojâtaḥ* ('got angry'), *tṛiptojâtaḥ* ('is satisfied') *hṛiṣtojâtaḥ* ('is gratified'), etc. "as is well known in the world." MADHUSUDANA SARASVATI says thus ; " And though He is unchangeable, He is transforming every moment and suffers death with regard to that condition too. This fact is established by observation. So say *Lokâyatikas*,"

tion of semen through (its having been in) the condition of lymph.

The Sun is satisfied by the essence of Purodâśa etc. that are offered in the Fires by the sacrificers. And by the Sun is caused rain from the essence of Havis, such as ghee etc. developed 5 (into rain) in due course of time, and thence is produced food of the form of vegetable (productions) such as rice. And that food being eaten attains in the order of lymph, blood, and so on the condition of semen and blood.

Gradual evolution of the body.

234. (The sage now) says what next: 10

LXXII. And if the semen and blood, pure, of man and woman, unite together, the Lord does at once take the five elements himself being the sixth.

At the time favourable for conception if there is coition of man and woman—the semen and the blood (can be expressed by the compound) 15 'the semen and blood'—and if the (semen and blood) unite with each other, and if they are pure, (that is,) if they are free from the defect described in another Smṛiti, as, "The semens having the defects of wind humour, bilious humour, and phlegmatic humour, being knotty, containing pus, or scanty, or having the odour of urine and fæces are unproductive," 20 then the LORD, the ÂTMAN of the element Chit, being enabled on account of (his) association with Karman, (which acts) invisibly in the act of bringing about the body, stays there and at once takes, (or) obtains, as the abode of enjoyment, the five elements, (that is,) the five essential elements such 25 as the earth and so on, by way of starting the body, himself being the sixth. Just so has it been said in Śârîraka, "There being the coition of man and woman and in the uterus the semen coming in contact with the blood, (then) instantly (He) along with the Bhûtâtman and the Sattva and Rajas and Tamas qualities, enters that which is supported by air, and stays in 30 the hollow of the womb."

How the body is created.

235. And next:

LXXIII. The organs, mind, Prâṇa, sense, longevity of life, happiness, courage, grasping power, propelling faculty, misery, desire, and even egoism, 35

LXXIV. Effort, shape, colour, tone, enmity, prosperity, and not-prosperity—all this to Him, who, being without a beginning, seeks a beginning, is the result of of His own (actions).

The organs are sensory and active organs which will be described. The 40 mind (is that which) commonly (links itself) to both (the sets of organs).

The bodily Vâyu ('that which brings about muscular movements') which is marked by the five distinguishing actions, Prâṇa ('the action of the heart region'), Apâna ('the action of the rectal region'), Vyâna ('the action, in general, all over the body'), Udâna ('the action in the throat region'), and Samâna ('the action in the umbilical region') is called Prâṇa. Sense (is the quality of) understanding: The longevity of life (is) the term of life characterized by the delimiting feature of a particular period. Happiness (is) getting rid of all attachment. Courage (is) firmness of mind. Grasping power (is) knowing and memory. Propelling faculty (is) the guiding capacity over the sensory and active organs. Misery (is) sorrow. Desire (is) wish. Egoism (is) self-love. Effort (is) endeavour. Shape (is) appearance. Colour (is) yellowness etc. Tone (is) Ṣadja ('the pitch of a peacock's voice'), Gândhâra ('the pitch of a sheep's bleat'), and so on. Enmity (is) hostility. Prosperity (is) the increase of children, cattle, and so on. Not-prosperity (is) that which is contrary to it. To that Âtman who has no beginning, (that is,) who is Eternal, and who desires a beginning, (that is,) who desires to take a body, all this, (that is,) the organ etc. is the result of his own (action), (that is to say,) produced by the element Karman pertaining to a previous birth. That is the idea.

The definitions of the above terms.

236. (The sage now) speaks of the (regular) process in the development of the combined semen and blood to the condition of the body (*j*):

LXXV. Being submerged in the material elements He (is) in the liquid condition during the first month, semi-solid during the second month, while during the third is possessing of the limbs and organs.

This Chetana, which is the sixth element, being submerged in the material elements, (that is,) submerged (or) riveted in the elements, the earth and so on, that is to say, having become inseparably mixed with them just as milk and water (do), continues to stay during the first month in the liquid condition, (that is,) in the watery condition alone, and does not develop himself into hardness. And during the second month, it becomes semi-solid, (that is,) of the shape of a mass of flesh slightly hard.

The development of the fœtus.

The idea is this: Being every day deprived of the water element to some extent on account of the air in the inner viscera and the fiery element in the stomach, the material elements possessing the liquid condition consequent upon the union of semen, attains hardness in thirty days.

How the fœtus gets hard.

(*j*) G. and N. have the reading *Kâryarûpa*, in which case the translation would be, 'in the development of the combined semen and blood to the condition of a (body which is a) product....'

Just so (is it said) in Suśruta : "The material elements being well matured with cold, heat, and air grow hard during the second (month)." And in the third month, it becomes possessed of the limbs and the organs.

237. And next :

LXXVI. From ether lightness, subtility, sound, ear, soundness, and the like ; and from air touch, motion, movement, hardness, and so on ; 5

LXXVII. And from biliousness sight, (the power of) digestion, heat, appearance, and splendour ; and from water tongue, coldness, grease, wetness, and smoothness ; 10

LXXVIII. And from earth likewise smell, nose, stoutness, and even frame,—the Âtman without birth acquires all these during the third month, and thereafter has movement.

(The expression) " Âtman acquires" is taken along with each. From 15 ether (Âtman acquires) lightness that is helpful in the act of jumping.

He gets lightness, subtility, etc. from the ether.

Subtility (is) the quality of seeing subtle things (*k*). Sound (is) an object (capable of being perceived by the ear). Ear (is) the organ of hearing. Soundness (is) the quality of being strong. From the use of (the term) *âdi* ('and the 20 like') (it is inferred that he also (gets) the quality of having pores (in the body) and separateness (of the bodily particles from one another). For, it is observed in Garbhopaniṣad, (that the Âtman gets), "from ether sound, ear, separateness, and all the multitudinous pores."

From air (Âtman gets) the organ of touch, motion, (that is,) going, 25 coming, and the like ; movements, (that is,) the various movements of the limbs ; hardness, (that is,) the quality of being rough ; and (as inferred) from the term *cha* ('and so on'), (a particle occurring in the text), the quality of being felt by the touch also. 30

The organ of touch, motion, etc. from the air.

From biliousness, (that is,) from fire, (Âtman obtains) sight, (that is,) the organ of sight ; (the power of) digestion, (that is,) the dissolving of the food eaten ; heat, (that is,) that quality of the parts of body (which makes them) feel hot ; appearrance, such as blackness ; splendour, (that is,) the quality of shining ; and 35 likewise the quality of being heated, anger, etc., for it is observed in Garbhopaniṣad, "Prowess, anger, sharpness, digestion, heat, splendour,

The sight, digestion, power, etc. from the fire.

(*k*) 'The quality of not obstructing the excretion of sweat etc. that is contained in the body.'

the quality of being heated, appearance, and the organ of sight are pertaining to fire."

Taste, coldness, etc. from water.

Similarly from water, (that is,) the element known as water, (Âtman obtains) the organ of taste; coldness, (that is,) of the body; the quality of being greasy; and smoothness as well as wetness, (that is,) the quality of containing water. 5

Smell, nose, etc. from earth.

And likewise, from earth, (He obtains) smell, the organ of smell, the quality of being bulky, and frame. 10

Has movements of the body during the fourth month of conception.

Although, philosophically speaking, ATMAN is free from births he does, nevertheless, obtain all these during the third month (of conception). Thereafter, (that is,) during the fourth month, he has movements, (that is,) shakes his "limbs" (this way and that). So (is it said) in Śârîraka: "Thus, during the fourth month, He conceives an idea in moving and so on." 15

238. And next:

LXXIX. By not ministering to the longing of the pregnant woman the (contents of the) womb might get defects such as deformity or even death. Therefore, gratification should be secured to the woman. 20

Ministering of the longing of a pregnant woman should be attentively done.

One heart (is) of the fœtus and the other is of the pregnant woman, and thus (as the two hearts are found in one and the same person she is called) Dvihṛidayâ ('a woman with two hearts'). What is desired by that woman (is) Ḍvauhṛida (*l*), and by the not ministering to it, the (contents of the) womb might get the defect such as of the nature of deformity or of the nature of death. Therefore, for the purpose of warding off of that defect as well as for the purpose of nourishing the child (*m*), what is gratifying to, or is desired by, the pregnant woman, should be secured for her. Just so (it is said) in Suśruta: "They describe a Dvihṛidayâ ('having two hearts') woman as Dauhṛidinî ('a woman who has pregnancy longings'). What is desired by her should be ministered, (and in that case) she brings forth a child full of vigour and longevity of life." 25 30 35

A pregnant woman should shun exertion etc.

239. And likewise even physical exertion and the like should be shunned by her from the time of conception. It is observed there alone (thus): "Thenceforward she must shun bodily exertion, cohabitation, excessive

(*l*) S. reads *dohada.*

(*m*) S. omits *garbhapuṣṭyartham* for the purpose of nourishing the (child in the) womb, after *taddoṣaparihârârtham,* for the purpose of warding off of that defect.

eating, sleeping during the daytime, wakefulness at night, sorrow, fear, getting into a conveyance, restraining the calls (of urination and evacuation of the bowels), sitting in the posture of a fowl, and letting out the blood."

Also conception should be detected by the indications of fatigue and 5 the like. It is said (as follows) and so on there alone: "In a woman who has just conceived (there appear) fatigue, exhaustion, thirst, burning sensation of the thighs, stoppage of menstruation, non-admitting of semen, and tremor of the uterus" (n). 10

Pregnancy should be detected by the indications of fatigue, etc.

240. And next:

LXXX. And in the fourth (month) hardness of the body, in the fifth the appearance of blood, and in the sixth the origin of the strength,of colour, and of the nails and hair (begin). 15

Of the collection of the limbs that begin to appear during the third month, there begins hardness or rigidity during the fourth month. The appearance or the origin of blood (is) during the fifth month. And likewise during the sixth (there is) the origin of strength, of colour, and of the nails 20 and hair.

The fœtus grows hard during the fourth month; blood appears during the fifth; and hair and nails during the sixth.

241. And next:

LXXXI. During the seventh month, He (is) possessed of mind and feeling, and also possessed of nerves, sinews, and blood vessels, and also (He is) possessed of 25 skin, muscles, and memory during the eighth.

This (child in the) womb described above becomes, during the seventh month, possessed of mind (o) or the seat of the volition and feeling, of nerves that carry the impulses of sinews (or) ligaments binding the bones together, and of blood vessels (that flow the blood) carrying 30 Vâta ('wind humour'), Pitta ('bilious humour'), and Śleṣma ('phlegmatic humour'). And likewise during the eighth month, he becomes possessed of skin, muscles, and memory.

242. And more:

LXXXII. His Ojas now courses through the 35 mother and now through the child, and thus the child born during the eighth month is severed with its life.

(n) All these quotations from Suśruta occurring in the commentary on the above five verses are found in the Śârîrasthâna, Ch. iii and that work.

(o) S. reads *manasâ chetanayâ cha*, whence the translation would be '.........of mind, of nerves....'

His, (that is,) of the child which is in the womb and eight months old, Ojas ('vitality'), a certain peculiar quality, now from the mother to the child and now from the child to the mother, swiftly revolves on account of its excessive unsteadiness. Thus a child (of the womb) born at its eighth month 5 is severed of its life.

Ojas ('vitality') coursing through the mother and the child.

(The sage) hereby points out that the very existence of Ojas is the cause of the (existence of) life. And the nature of Ojas is pointed out in another Smiriti: "That which is white, slightly warm, yellowish, and stationed in the heart region, 10 is called Ojas (which is) considered (to remain) in the body, and one attains loss (of life) with the loss of it."

Definition of Ojas, the chief cause of life.

243. And more:

LXXXIII. During the ninth (month) or even tenth he is discharged as an arrow shot, by the strong 15 parturitive convulsions, through the opening of the machinery, enduring extreme agony.

Thus He, whose limbs and sensory organs, such as hands, feet, eyes, etc., have been developed, is, during the ninth or even the tenth month, and also during the seventh or eighth, (as suggested) by the word *api* ('even'), 20 (occurring in the text), discharged with great force through the fissure (or) the small opening of the bodily machinery, which is made up of sinews, bones, skin, etc., and is shaken by the powerful convulsions bringing about delivery and attended by such defects as (causing) extreme pain, etc., like an arrow shot by 25 a skilful archer from his instrument (called) bow, and from enduring extreme agony, (that is,) undergoing unendurable pain.

The birth.

And immediately after he is delivered of (by the mother), he feels the external air and is rendered one who has lost his former recollections. For it is said in the eighteenth (section) of Nirukta 30 thus; "Being born he is felt by the (external) air, and no (longer) remembers his former birth, death, and Karman, meritorious or non-meritorious.

After the birth.

SECTION VII.—THE NATURE OF THE BODY. 35

244. (The sage) intending to give a detailed description of the body (p) says:

LXXXIV. His bodies (are of a) sixfold (nature) and consist of six sheaths, and likewise the limbs are six. And the bones are three hundred and sixty. 40

(p) S. has *Kârya*, which means the same thing in effect as *kâya*, body.

His, (that is,) of Âtman, the bodies which are of the viviparous, oviparous, etc. (kind) are every one of them of a sixfold nature in being associated with six centres of fire, which becomes the cause of transformation of the six elements, the blood and the rest. For it is as follows:

The origin of blood, flesh, etc.

The essence of food being boiled by the abdomenal 5 fire attains the condition of blood; the blood being further boiled by the fire contained in its system (attains) the condition of flesh; the flesh being boiled in turn by the fire contained in its system (attains) the condition of fat; even the fat being boiled by the fire contained in its system (attains) the condition of bone; 10 the bones too being boiled by the fire contained in its system (attains) the condition of marrow; and even the marrow being boiled by the fire contained in its system results as (a substance) possessing the condition of the final element. And as there is no further transformation of that final element, that alone forms the first covering of the Atman. In this 15 way as it is attended by the fires belonging to the six systems, (there arises) the sixfold nature of the bodies. But as the lymph (or the essence of food), which, though is the first element, is of an unsettled nature (it is) not (recognized as) a separate (system).

The six sheaths of the body.

245. Next, those bodies consist of six sheaths: The very six ele- 20 ments, blood, muscles, fat, bone, marrow, and semen, stand together in the form of external and inner coats, after the (succession of) sheaths of a plantain plant. They (are called) sheaths because they cover just as sheaths do, and those six sheaths (the bodies) consist of. This fact is well known 25 in Âyurveda.

The limbs too are only six.

And likewise the limbs (too) are only six, the two arms, the two legs, the head, and the trunk. And, it must be understood, that the three hundred and sixty bones are those that will be described in the following six 30 stanzas.

246. And more:

LXXXV. The teeth along with their root-bones are sixty-four, and the nails, indeed, are twenty. Also there are shooting bones of the hands and feet, and of 35 them the places are four.

The teeth, the joining bones, the nails, and the shooting bones.

The root-bones are the bones found at the root of the teeth and are thirty-two, and the thirty-two teeth along with them make sixty-four. The nails are (well known) growths in hands (and feet), and are twenty con- 40 tained in the hands and feet (together). The (shooting) bones looking like darts, (are) found in the hands and feet, and appearing beyond the ankle and wrist joints (in the legs and hands respectively), are seen at the

root of the digits and are exactly twenty in number. Of them, (namely,) of the nails and shooting bones, there are four places, the two legs and the hands. Thus the bones (mentioned in this verse) are then one hundred and four.

247. And further: 5

LXXXVI. Sixty (are the bones belonging) to the digits, two of the heels, and four in the ankles. The elbow bones are four, and exactly the same (number) in the lower part of the legs.

Bones of the digits, etc.

The digits are twenty, and there being three and three bones (in 10 each) of them, there are thus sixty bones pertaining to the digits themselves. The hind parts of the feet are heels, and the bones pertaining to them are two (one in each). In each leg there are two ankles (*pp*), and thus there are four bones in (all) the four ankles (taken together). In the arms too there 15 are four bones (each) of the length of an elbow, and in the lower parts of the leg there is exactly the same (number), (that is,) four alone. Thus there are seventy-four (bones mentioned in this verse).

248. And more:

LXXXVII. Two (bones), (one in the right and 20 one in the left) can be found in the knees, Kapola, the flat thighs, the origin of the shoulder, Akṣa, palate, and the broad hips.

Other bones.

The joint of the lower part of the leg and the thigh is knee; Kapola (is) the cheek; thigh is the upper part of the leg (and the broadened (?) 25 part of it is) the flat-thigh; shoulder is the upper part of the arms; Akṣa (is) the region between the eye and ear and below the Śaṅkha; palate (is) the upper part of the mouth; and hip (is) the buttock, and the flat (portion of it is taken) here. (In all) of these (parts) two and two bones can be traced, and thus they 30 become fourteen bones altogether (as pointed out in this verse).

249. And more:

LXXXVIII. One is the groin bone, and likewise there are forty-five in the back. The neck (is) of fifteen bones, and (there is one) Jatru on each side and likewise 35 (there is) the chin (bone).

(*pp*) Protruding appearances on either side of the foot slightly above the heel.

One bone (is found) in the groins, and in the back (or) the back part of the body there are (altogether) forty-five bones. Neck (is) that which supports the head, and that is of, (that is,) consists, of, fifteen bones. The juncture of the chest and the upper part of the shoulder is Jatru, and there is one clavicle in each Jatru. The chin is the bottommost part of the face, and there too there is one bone. Thus there are sixty-four (in all that are mentioned in this verse).

Bones of the neck, back, etc.

250. And more:

LXXXIX. At the root of it there are two, (so) at the forehead, the eye, and so at the temple, and the nose (is) consisting of Ghana bone. And the ribs along with their root-bones as well as the Arbudas are seventy-two.

At the origin of it, (that is,) of the chin, are the two bones. The forehead is the brow, the eye is the organ of sight, and the temple the part between the cranium and Akṣa. The group consisting of them (can be expressed by the compound) the forehead, eye, and temple, and there in each (place) are found a couple of bones. The nose consists of the bone called Ghana. The ribs are the bones found in the part below the arm-pit, and the bones that form their support are their root-bones; and the ribs together with their root-bones as well as the bones known as Arbudas are seventy-two. And with the nine aforesaid, they become eighty-one, (the number of the bones detailed in his verse).

251. And more:

XC. The Śaṅkhakas are two and the cranial bones are four found in the head. The chest (is) of seventeen bones, and this is the group of bones found in man.

Śaṅkhakas are the two particular bones situated in the region intermediate between the eye-brows and the ears. The cranial bones are four found in the head. Chest is the heart region, and that (consists of) seventeen bones, (and thus these are) twenty-three.

Other bones.

These along with the ones described above make three hundred and sixty, and are described as the group of bones found in man (*q*).

(*q*) The bones enumerated here are three hundred and sixty. This number includes the teeth (32) and the nails (20), and thus the bones proper are 308. It is interesting to compare this with the western physiology and mark the difference. It can be seen that some bones that are inseparably fused together are often treated as

SECTION VIII.—THE ORGANS.

252. (The sage now) describes the sensory organs along with their objects:

XCI. Smell, sight, taste, touch, and sound are described to be the objects. And nose, eyes, tongue, skins, and ear are the respective sensory organs. 5

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one, and some have been omitted altogether. The following list is an attempt to compare them (beginning from the back part of the head and going lower and lower):

1. BONES OF THE HEAD.

YAJNAVALKYA.		PHYSIOLOGY.	
Kapâla (cranial bones) ...	Bones 4	Occipital bones ...	1
		Parietal bones ...	2
Lalâta (forehead) ...	Bones 2	Frontal bone ...	1
Gaṇḍa (temple) ...	Bones 2	Temporal bones ...	2
Śaṅkhaka ...	Bones 2	Ethmoid ...	1
		Sphenoid ...	1
Akṣi (eye) ...	Bones 2	Lachrymal bones ...	2
Akṣa ...	Bones 2	Inferior Turbinated bones ...	2
Ghana ...	Bone 1	Nasal bones ...	2
		Vomer ...	1
Tâlûṣaka (palate) ...	Bones 2	Palatal bones ...	2
Kapola (cheek) ...	Bones 2	Malar ...	2
Hanumûla ...	Bones 2	Upper Maxillary bones ...	2
Teeth ...	32	*Incisers. Canine. Premolars or Bicuspids. Molar.* $\frac{2-2}{2-2}$; $\frac{1-1}{1-1}$; $\frac{2-2}{2-2}$; $\frac{3-3}{3-3}$. *i.e,* $\frac{16}{16}$, *i.e.* 32	
Sthâla (gum-roots) ...	32		
Hanu (Chin) ...	Bone 1	Lower Maxillary ...	1
(Total) ...	86	(Total) ...	54

2. BONES OF THE TRUNK.

YAJNAVALKYA.		PHYSIOLOGY.	
Grîvâ (neck) ...	Bones 15	Curvical vertebræ ...	7
Priṣṭha (back) ...	Bones 45	Dorsal vertebræ ...	12
		Lumbar vertebræ ...	5
		Pelvic bones ...	3
		Sacrum ...	5
		Coccyx ...	4
Jatru (clavicle) ...	2	Collar bones ...	2
Pârśvakas (ribs) (with Sthâlas and Arbudas), ...	72	Ribs ...	24
Uras (chest region) ...	Bones 17	Sternum ...	1
Bone in the genital organ ...	1		
Sroṇiphalaka (hip bones) ...	2		
(Total) ...	154	(Total) ...	63

3. UPPER EXTREMITIES (EACH).

YAJNAVALKYA.		PHYSIOLOGY.	
Amsa (shoulder) ...	Bone 1	Humerus ...	1
Aratnikâ (forearm) ...	Bones 2	Radius and ulna ...	2
		Carpal bones ...	8
Pâṇiśalâkâ ...	Bones 5	Metacarpal bones ...	5
Bones in the fingers, 3 × 5= ...	15	Phalanges ...	14
Nails ...	5	Nails ...	5
(Total in both the limbs)	56	(Total in both the limbs) ...	70

These, the smell and the rest, are the objects that become the cause of binding down the man, for the derivation of the word *Viṣaya* ('object') is from the root *ṣiñ* to bind. And from these, the smell and the like, which have been determined by their quality of being perceived are inferred that the organs are five which are the instruments of gratification derivable from their respective perceptions.

The five sensory organs and the corresponding object.

253. (He now) adds to point out the active organs:

XCII. The hands, the anus, the generative organ, the tongue, and the legs are, indeed, to be known as the five active organs, and the mind of either character.

The hands are well known; the anus is the lower part of the alimentary canal; the generative organs are the means of pleasure that can be obtained from sexual union; the tongue is well known, and so the legs. And these five, the hand and the rest, are to be known as the five active organs, (that is to say,) means of accomplishing the acts (of) receiving, evacuation, pleasure, speech, and pleasure-sports.

The five Active organs.

254. Mind is an inner organ (the presence of which is) detected by a not-arising of knowledge (all at once). And that is of either character inasmuch as (it is) an auxiliary to the sensory and active organs.

Mind.

SECTION IX.—THE VITAL CENTRES.

255. (The sage) says in order to point out the vital parts:

XCIII. The navel, Ojas, the anus, semen, blood, the Śaṅkhakas likewise, the head, the scapula, the neck, and the heart are the vital parts.

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4. LOWER EXTREMITIES (EACH.)

YAJNAVALKYA.		PHYSIOLOGY.	
Ûruphalaka (thigh bone) ...	1	Femur	1
Jânu	Bone 1	Patella	1
Jaṅghâ (shanks)	Bone 2	Tibia and fibula	2
Gulpha, (ankle)	Bone 2	Tarsal bones	5
Parṣṇi (heel)	Bone 1		
Pâdaśalâkâ	Bones 5	Metatarsal bones	7
Bones of the toes	3×5=15	Phalanges	14
Nails	5	Nails	5
(Total in both) ...	64	(Total in both)	70

Total according to YAJNAVALKYA is 86+154+56+64=360;

And according to Physiology (including teeth and nails) 54+63+70+70= 257; or deducting teeth and nails, 205.

N. B.—This comparison is given with some diffidence of course as it is hard to identify these names. Even Monier Williams notices that 'Jatru' was formerly taken to mean the continuation of the vertebra while in later Sanskrit, it is being taken to mean a collar bone. There may be other instances like that.

These ten beginning with the navel are the parts (where) vitality (is centred). Though the Vâyu known as Samâna has the quality of moving all over the body, yet this detailing of the special parts such as navel etc. is with a view (to show that they are) particularly (so). 5

The ten vital organs, the navel etc.

256. (He now) says to give a more detailed account of the vital parts:

XCIV. Suet, fat, the lungs, the navel, the gall-bladder, the liver, the spleen, the small cavity of the heart, the front parts of the chest, the urethra, and also the rectum, 10

XCV. The lymphatic glands, and then the heart, the colons, the anus too, the stomach, and the two abdomenal intestines—this is said to be (a) more detailed (list)(r).

Suet (is) well known; fat (is) the oily substance found in the flesh; 15 the navel (is) well known; the lungs (are) the organs of respiration; spleen (is) an organ well known in Âyurveda: These two look like masses of flesh and are situated in the left of the abdomenal cavity. Liver (is) the bile gland, and gall bladder is a fleshy mass, and these two are situated in the right 20 abdomenal cavity. The small cavity of the heart is the convoluted tube of the heart, and the front parts of the chest are the two masses of flesh close to the heart. Urethra is the place where urine deposits. Rectum is the place where the fæces collect. Lymphatic glands are the places where the unassimilated food stays. Heart is what is known as Hṛitpuṇḍarîka. 25 The colon, the anus, and the stomach are well known. The inner intestinal convolutions (distinct) from the external tube of the anus are two, and they are the intestines of the viscera, (that is,) situated in the region below the navel.

A more detailed list of the vital organs.

This is a more detailed (list) of the vital parts of the body, and in 30 the previous verse (they) are described in brief. Thus, therefore, some of the terms contained in the previous verse occur (in this verse also).

257. (The sage) says to detail the vital parts further:

XCVI. Pupils of the eye, the angle of the eye, the auditory passages, the lobes of the ear, the pinnæ of the 35 ear, the Śaṅkhas, the eye-brows, the tooth gums, the lips, the hollows of the loins,

(r) Some of these names are given with great diffidence.

XCVII. The thigh joints, the testicles, the front parts of the chest, the mammillæ produced of phlegmatic collections, the uvula, the buttocks, the arms, the muscles of the calf and the thigh,

XCVIII. The palate, the stomach, the urethra, the head, the chin, the joints of the cheeks and the chin, and the depressed parts,—these parts of this body 5

XCIX. And the four coloured (parts) of two eyes, the feet, the hands, the heart, and those very nine openings are the vital parts of the body. 10

The pupils of the eye (are) the central holes of the eyes; the angles of the eye (are) the parts where the eyes and nose meet; the auditory passages (are) the passages of the ear; the lobes of the ear (are) the outer parts of the ear; the pinnæ of the ear (are the projecting parts of the ear) that are well known; the tooth-gums (are) the parts to which teeth 15 (are firmly) attached; the lips (are) well known; the hollows of the loins (are) the hollow portions of the trunk at the sides in the lumbar region; the thigh joints (are) the places where the thighs are united to the hips; the front parts of the chest (are) the two above described; and 20 the mammillæ (are those) produced of phlegmatic collections; the uvula (is) a small bell-like projection (from the upper part of the throat); buttocks (are) the hips; the arms (are) well known; the muscles of the calf and the thigh, (that is,) the muscles, (are) the fleshy parts of the calfs and the thighs; the joints of the cheeks and the chins (are) the parts 25 where the cheek bones and the extremities of the chin bones unite; the head (is) the topmost part of the body; and a depressed part (is) any sunken part such as the lower part of the neck, the arm pit, and so on. And if the reading is *avatu*, (then it means) the back part of the neck. And likewise round the pupil of each eye there are two white lateral portions 30 and thus they are four (together). Or it may be taken (to mean) the four eye-lashes, and the rest are well known. These parts (that are) thus described (form) portions of this body (which is after all) despicable.

A more detailed enumeration of the parts of the body.

And likewise the two eyes and two ears, and the two nostrils, the mouth, the anus, and the generative organ 35 above described are the nine openings. All these are in fact the vital parts of the body.

The nine openings of the body.

SECTION X.—THE VASCULAR AND MUSCULAR SYSTEMS.

258. And more:

C. Śirâs are but seven hundred, and the sinews are nine hundred. And there are two hundred of the Dhamanîs, and five hundred Peśîs. 5

Śirâs (s) that are united to the umbilicus (t) are only forty, and they carry the impulses of wind humour, bilious humour, and phlegmatic humour; and branching differently and extending over the entire part of the body, become seven hundred. Likewise, the sinews that bind together a limb with a branch of it are nine hundred. What are 10 called Dhamanîs are twenty-four in number, and, proceeding from the umbilicus, they carry the impulses of Prâṇa and the rest, and become two hundred on account of their dividing (themselves into branches). Peśîs ('ligaments'), again, are bulky in appearance, and intervene a limb and its branch limb, and are, for 15 example, the thigh ligaments etc., and are five hundred in number.

The blood vessels and muscles.

259. (The sage) gives again other figures with regard to these very Śirâs and so on, on account of their numerous branches:

CI. Know, (O ye sages), what are termed Śirâs and Dhamanîs are twenty-nine hundreds of thousands, and, 20 likewise, nine hundred, together with fifty-six (in addition).

Know, O ye SÂMAŚRAVAS and other sages, that these Śirâs and Dhamanîs put together, by branching and re-branching, become twenty-nine hundred thousand, nine hundred and fifty-six. 25

The Śiras and Dhamanîs are 2,900,956 in all.

SECTION XI.—THE HAIR ETC.

260. And more:

CII. Of men Śmaśrus and Keśas are to be understood to be three hundred thousand. The quick parts of the body are one hundred and seven, and likewise the 30 bone-joints are two hundred.

(s) 'Śirá' is not translated as 'artery' for obvious reasons.

(t) The original word is 'Nábhi,' and it cannot surely mean the heart. This idea seems to have arisen from the fact that a child in the womb is connected to the mother's body by means of the navel cord, through which the blood charged with nutrition enters the body of the child. Or it is also probable that there may be some arrangement there which imparts to the blood the character of its carrying the billious etc. impulses.

It must be understood that of men the Śmaśrus ('hair on the face') and Keśas ('hair on the head') taken together are three hundred thousand. The quick parts (are) the parts bringing about death or giving much pain, and it must be known that such centres are one hundred and seven in those (human beings). And the joints of bones 5 are two hundred, while the places to which sinews, Śirâs, etc., are joined are innumerable.

The 'hair' and the joints.

261. (The sage now) gives the number of all the cavities in the entire body:

CIII. The number of the hairs along with the 10 sweat-ducts are but fifty-four crores and sixty-seven lakhs together with half a lakh.

CIV. And these are extremely small and are counted being separated by the air particles. Of course, even one who understands the real nature of these and 15 of (their) arrangement (is a meritorious person).

The extremely small (bodies) of the hair,—(that is,) the parts minute and minuter,—along with Śirâ, hair on the head, etc. described above, and together with the minute tubes flowing perspiration make fifty-four crores, and, likewise, sixty- 20 seven lakhs together with half a lakh, (that is,) together with fifty thousand.

The hair and sweat-ducts are 54,67,50,000.

They are separated by the air (particles), (that is,) divided by the air molecules, and are counted.

And this is declared by a mode of Śâstraic observation, for this fact 25 cannot come under the (direct) perception of the eye or the other sensory organs. O sages, if any one among you understands this extremely abstruse fact of the nature and arrangement of Śirâs etc. even he is a great Agrya, (that is,) a wise man. Therefore, (their) nature and arrangement should 30 with effort be learnt by a wise man.

These cannot be seen directly.

262. (The sage now) gives the quantity of the essence (of food) etc. (that are contained) in the body:

CV. Of the lymph, it should be known, there are nine Añjalis (u) and of water ten, and it is declared 35 that of fæces it is only seven, and of blood eight;

CVI. Six (are of) phlegm, five (of) bile, and four only of urine; and three (are of) muscular fat, while

(u) The palms united together to form a hemispherical cup is called an *añjali*. It thus shows that is measure is individual,

(that of) flesh-marrow (are) two, (of) (bone) marrow one, and only half (of it) in the head ;

CVII. The same quantity alone (there is) of phlegmatic humour, and even of semen the same quantity. Whoever (understands that) the body thus made is 5 transient, then that meritorious (person) (paves the way) for Mokṣa.

The essence of food that has been well prepared (by the physiological process) is called lymph and its quantity is only nine Añjalis. It must be understood that the quantity of water necessary to bring about an 10 intimate connection of the particles of earth (or solid matter) are ten Añjalis. Of the fæces (or) excreta, it is but seven. It is described that of blood, which is but the essence of food to which redness has been brought about by a thorough action of the fire (element) in the 15 abdomenal region, there are only eight Añjalis. Six (are) the Añjalis of phlegm (or) phlegmatic matter. Of bile (which is also called) Tejas ('fire') (it is but) five; of urine that has been excreted it is four; of muscular fat (or) of greasy matter of the flesh (there are only) three; and of flesh-marrow, (or) of the essence contained in flesh, (are) two Añjalis. Marrow 20 is that which is found in the cavity of the bones, and of that there is one Añjali. In the head, on the other hand, Majjâ ('cerebral matter') is but half an Añjali. Of phlegmatic humour or of the essence of phlegm, and likewise of semen or the (most developed) final element of the body, (there is) the same quantity, (that is,) only half an Añjali. 25

The quantity of various matters in the body.

263. And this is said with reference to a man in whom all the humours are in a normal (proportion), but (in the case) of that man in whom the humours have lost (their) normal (nature), no hard and fast rule (can be laid down): For it is said in the Âyurveda thus: "Because of 30 the dissimilarity of the bodies and likewise of (their) unstable conditions too, there cannot be any regular measure of the morbid matter, humours, and excretions."

The proportion of the humours differs in an unhealthy person.

264. Thus (it is), and he who has a conviction that this body which is made up of bones, sinews, etc., and is a store-house of (all) that is 35 impure, and is uncertain (besides), is a blessed man, a true wise man, and is capable of attaining Mokṣa. For Vairâgya ('non-attachment') and discrimination between what is eternal and non-eternal have the character (*v*) of being (conclusive) means to 40

The knowledge of the body as consisting of impure elements in it leads to non-attachment.

(*v*) S. has simply *nityaviveka* and not *nityânityaviveka*. According to it the translation would be 'unwavering discrimination' or 'discrimination of what is eternal.'

Mokṣa, and a knowledge (of the body) abounding in bones, urine, fæces, etc., is capable of effecting Vairâgya. For this very (reason) has VYASA (said): "For the sake of the base body, which is a store-house of every impure (matter), cannot respond to the good that is done to it, and is subject to destruction, the simple people commit sinful acts. In case what is internally (situated) in this body had been (situated) externally, (then) this world will have to grasp a staff and ward off the dogs and crows" (*w*). Thus for the purpose of an absolute separation from such a despicable body every effort should be made in the direction of realizing the ÂTMAN.

SECTION XII.—THE REALIZATION OF ÂTMAN.

265. (The sage) now speaks of the nature of the ÂTMAN that is to be realized:

CVIII. From Hṛidaya run in all directions seventy-two thousand nerves known as Hitâ and Ahitâ, and in their midst is Śaśi-prabha,

CIX. A centre. ÂTMAN is staying in the middle of it as an unwavering light, and He should be known, and having known Him, one is not, indeed, born again.

There are seventy-two thousand nerves that run in all directions from the region of Hṛidaya, (that is,) extending in all directions as the petals of the flower of a toddy tree and termed Hitâ ('sympathetic') and Ahitâ ('apathetic') because of their nature of creating agreeable and non-agreeable sensations. There are again three nerves, and of them the two nerves called Iḍâ and Piṅgalâ are centred towards the left and the right (respectively) in the Hṛidaya, are of opposite nature, are connected with the nostrils, and are the centres of Prâṇa and Apâna, while the third called Suṣumnâ passes in their midst like a (continuous) staff starting in the region of parietal suture. In the middle of those nerves is the centre called Chandra-prabha, and therein stays the ÂTMAN, lustrous and unwavering as a lamp placed where there is no gust of wind, and He who is thus characterized should be understood, wherefore, by a direct realization of Him one does not move any longer in this cycle of births and deaths, and attains immortality (*x*).

The nerves are 72,000.

Iḍâ and Piṅgalâ nerve chords, and Suṣumnâ, the dividing nerve.

The Chandra-prabha centre.

(*w*) The idea seems to be that what is contained in the body is so despicable that it is fit to form food for dogs and crows. Only it is situated inside the body and one cannot understand the real nature of it. But had anything been exposed to the view then man would have realized its true nature.

(*x*) *Hṛidaya* in the ordinary language means heart, but, from the nature of the explanation, it is desirable to construe it as brain. Nor can it be justified to hold that

266. And more:

CX. Âraṇyaka should be understood which I obtained from Âditya, and also the science of Yoga expounded by me should be learnt by him who desires to have Yoga. 5

Âraṇyaka and Yoga should also be studied.

Yoga is a steady concentration of the actions of the mind on the Âtman to the exclusion of every other thing, and for the purpose of attaining it even that known as Bṛihadâraṇyaka, which was imparted to me (*xx*) by Âditya ('Sun-god'), should be understood. And likewise that science of 10 Yoga which I have expounded should also be learnt.

267. (The sage anticipating the question,) how then the Âtman should be meditated upon, says further thus:

CXI. Without directing the mind, intellect, memory, and organ to any other thing, the Âtman, that Lord 15 who stays like light in Hṛidaya, should be meditated upon.

Pratyâhâra, Dhâraṇa, and Dhyâna.

Having detached the mind, intellect, memory, and organs from the objects other than the Âtman, and having turned them solely to the object (known as) Âtman, Âtman should be meditated upon, He, who is the Lord, that stays in the 20 Hṛidaya, lustrous, unwavering as a light placed in a place free from a gust of wind. This very act, (namely,) of converging the actions of the mind to the Âtman by withholding it from the compass of the external objects, (is known as) meditation upon Him, and resembles fixing the light of a lamp, the spreading of the collection of whose rays is 25 obstructed by the concavity of a dish.

268. (The sage) says that, on the other hand, where the action of the mind of one cannot find bliss in Samâdhi by sticking to (that) which has no shape, by him should be undertaken a meditation upon Śabda-Brahman:

CXII. Having studied, with due regard to the 30 rules and without a blemish, the singing of Sâman, he

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the centre of the nerves and feelings, as known to the Aryan physiologists, was somewhere in the region of the chest. Yajnavalkya (verse 108) clearly says that the Nâḍîs ('nerves') take their rise in the Hṛidaya, and the Suṣumnâ takes its rise, as the commentary points out, in the region of the parietal suture. (Aitareyopaniṣad, iii. 12, may be compared with this.) Thus *Hṛidaya* may be taken to be the centre of all nerves, that is, the brain.

Next with regard to the Hitâ and Ahitâ nerves, it can be said that they are afferent and efferent nerves. *Hitâ* is derived from *hi*, to run, whence *hitâ* means something through which a sensation is transmitted. *Ahitâ* which is the antonym of *hitâ* may be taken to signify efferent nerves, because through them sensations are not transmitted to the brain. This topic also gives us another word *Maṇḍala* to signify a nerve centre.

(*xx*) Yâjñavalkya.

who is all attention attains PARABRAHMAN by a practice thereof.

The singing of Sâman is the song of Sâman in a way not opposed to the manner (of singing it) as understood by the study of one's own branch of the Veda. Although Sâman has the nature of being *gâna*, a song, yet 5 the (use of the) epithet Gâya, *singing*, is to exclude the Pragîta Mantras.

The study of Sâman.

He who studies the Sâman without violating the method known as (attending) the study of the Vedas, without a blemish, (that is,) without overlooking anything, and being all attention, (that is,) having the action of his mind transfixed, in 10 the ÂTMAN intimately connected with the sound of Sâman, he becomes an adept therein owing to the exercise thereof, and by the meditation upon nothing which is of the nature of Sound, attains PARA-BRAHMAN. It is thus said: "Having become an adept in ŚABDA-BRAHMAN he attains PARABRAHMAN." 15

Meditation upon ŚABDA-BRAHMAN.

269. (The sage) says that, again, where the mind of one cannot find bliss in the Vedic hymns, then (that sort of) meditation upon the ÂTMAN (which is) of the nature of concentrating his mind solely upon the worldly songs should be tried by him:

CXIII. (The seven) Aparântakas, Ullopya, Madraka, and Prakarî likewise, Auveṇaka, Sarobindu, and Uttara, Gîtakas, etc. 20

CXIV. And Ṛiggâthâ, Pâṇikâ, Dakṣavihitâ, and Brahmagîtikâ,—this (set) might be sung, and in being practised (this set might be) termed as Mokṣa. 25

Aparântaka, Ullopya, Madraka, Prakarî, and Auveṇaka, together with Sarobindu and Uttara are the seven songs denominated as Prakaraṇa. Because of *cha* ('etc.') (in the text), the Mahâgîtas known as Âsârita, Vardhamânaka, and so on are taken (into account). Ṛiggâthâ etc. are the four Gîtikâs. The act of attributing the qualities of the ÂTMAN 30 to the collection of Aparântaka and other Gîtas should be known as termed Mokṣa, because of its proving a means of Mokṣa, (for) from being an effort (to acquire) concentration of manipulating it, it is changed into a means of (obtaining) concentration in the ÂTMAN. 35

Worldly songs as a means to Mokṣa.

270. And more:

CXV. He who knows the science of playing upon Vîṇâ, is an adept in strains and notes, and also knows the beating of time, attains the path of Mokṣa.

One who knows the science of playing upon Vîṇâ (is he) who has 40 mastered the science of playing upon Vîṇâ that has been expounded by the

sages BHARATA and others. Śruti ('strain') is so called because *śrûyate*, it is heard, and is of twenty-two kinds among the seven notes. It is thus: The three notes Ṣadja, Madhyama, and Pañchama have each four strains, Ṛiṣabha and Daivata are each of three notes, and Gândhâra and Niṣâda are 5 each of two notes. Of the notes there are seven elementary ones, Ṣadja and the rest, and mixed notes are eleven, and thus they are of eighteen kinds (in all). He who is an adept in them, (that is,) an expert, (attains the path of Mokṣa). What is called Kâla ('time') denotes the measurements of music, and he who also knows the nature of that, (attains the path of 10 Mokṣa). On account of his concentration upon the BRAHMAN centred in it, it being easy for the actions of the mind (which is guided) by the fear of mismeasurement etc. to (be converted into) concentration in the ÂTMAN, he attains the path of Mokṣa, (that is,) obtains it with very little effort.

A musician qualifies himself to Mokṣa.

271. (The sage now) speaks of the attainment of another benefit by 15 a music expert who is overtaken by such obstacles as distraction of mind, and so on:

CXVI. If a music expert cannot attain the highest position by means of Yoga, then he becomes a comrade of RUDRA and enjoys happiness with him himself. 20

If a music expert does somehow not attain the Highest Position, then he becomes a companion of RUDRA and enjoys happiness with himself, (that is,) amuses himself.

272. (The sage) (now) concludes what has been said above:

CXVII. ÂTMAN is described to be without a begin- 25 ning and his beginning is the body. And the entire world (is come) from the ÂTMAN, and the coming of the Âtman is from the world.

According to the manner described above the Âtman who is known as Kṣetrajña ('individual soul') is without a beginning, and of him the 30 beginning (or) birth is described (by the sage himself) to be the very taking of the body: "[That which] has no birth [is described as born] for taking a body etc." (III. 69). And on account of PARAMATMAN is the origin of all the worlds, the earth and so on, and from a collection of the elements, the 35 earth etc., that has come into existence through That, the birth of the Jîvas as possessing a material body has been described in (a foregoing verse), "Just as He in the beginning of the creation [creates] ether, *etc.*" (III. 70).

The ÂTMAN and the world.

273. This very (fact) (the sage) explains by starting with a question (put to him by the listening sages): 40

CXVIII. How did this world containing the gods, demons, and men come to exist, and how is ÂTMAN

(contained) in it? We are ignorant (of this), and (O sage,) tell us that.

How is this world which has in it all sorts of gods, demons, and men come to exist through that ÂTMAN? And how does that ÂTMAN become a possessor, in that world, of bodies of beasts, men, snakes, and so on? We are ignorant in this matter. Thus explain to us in detail (this) for the purpose of removing our ignorance. 5

A question regarding the world and the ÂTMAN.

274. Being thus asked by the (listening) sages, (he) returns an answer: 10

CXIX. The cover of illusion being got over here, the PURUSA who is seen as having a thousand feet, hands, and eyes, possessing the splendour of the sun, and having a thousand heads,

CXX. He alone is the ÂTMAN, the Yajña, the Omnipresent, the Lord of beings, and Virât, and He in the form of food attains the condition of Yajña. 15

ÂTMAN Himself is Yajña, the Lord of beings, the Omnipresent Entity, etc.

Here, in this world, the cover of illusion which is of the nature of regarding the material body and the like, which are not one's own, as one's own being got over, that PURUSA is seen with many hands, feet, and eyes, possessing the splendour of the sun, (that is,) having an infinite number of rays, and having a thousand heads, (that is,) very many heads. This is said on the strength of the various powers that can be felt therein, for there is no attribute of direct perception etc., there. He is himself ÂTMAN, Yajña ('sacrifice'), and the Lord of beings, for He is Omnipresent, (that is,) existing in every thing. If it is asked how that omnipresence itself doth arise, (it is) because He who is Virât, in the form of Puroḍâśa and the like foods, attains the condition of Yajña; and from Yajña, going through the process of rain and so on, there is the creation of living beings. Thus there is Omnipresence in this manner. 20 25 30

275. (The sage) now amplifies this very (fact):

CXXI. That superior essence which is produced by making offering to the gods does gratify the gods well and also the sacrificer with the merited fruits; (then) that essence, 35

CXXII. Being united with the air is carried to the Moon, and thence by means of the rays is carried to

the abode of the Sun-god which is made up of Ṛik, Yajus, and Sâman;

CXXIII. This Sun produces out of the celestial region the superior Amṛita which is the cause of birth of all living beings moving and not-moving; 5

CXXIV. Out of that food (is) again Yajña, (thence) (is) food again, and Yajña again (thence), and thus this cycle with neither a beginning nor an end is rotating.

The essence which is produced by making offerings of (food) material such as Puroḍâśa etc., intended for the gods, (takes) an invisible 10 shape, after a complete transformation of (its own) self, (and becoming) superior, (that is,) most exalted by obtaining the quality of being the germ of production of the entire universe, gratifies well the gods to whom the offerings are addressed, and secures for the sacrificer as well the desired effect, and being propelled 15 by the air is carried to the region of the Moon. Thence, (that is,) from the region of the Moon, it is carried by means of the rays to the region of the Sun who is the embodiment of Ṛik, Yajus, and Sâman; for the text laying down the identification thereof runs thus, "That very knowledge of the three Vedas is (the god) burning (in) this shape." Thence, this 20 Sun-god from the region of his orb produces the liquid, Amṛita, (which would descend) in the form of rain, and which is the cause of birth of all beings moving and not-moving, (that is,) those that can change their places and those that are fixed. From that food, which is the cause of birth of living beings and which is produced out of the vegetable kingdom 25 brought into existence on account of rain, a sacrifice (is performed); and from the sacrifice (is produced) food again by the roundabout course described above; and with food (is) once more a sacrifice (performed); and so on. Thus this entire cycle of Saṃsâra is rotating well in the form of a continuous flow without either the beginning or the end. Thus, in this 30 manner, the origin of the entire universe is proceeding from the Âtman. And also the taking of a body is in accordance with one's own actions.

From Yajña to food.

276. Well, (it may be asked), if the moving of the Âtman in the cycle of births and deaths is without (either) a beginning or an end, then there will be an inference that there will be no Mokṣa at all, and 35 thus (the sage) next says:

CXXV. Âtman is without a beginning and to the inner Âtman there is no birth. But Puruṣa becomes connected (with the body and that connection is) the result of actions (due to) ignorance, desire, and enmity. 40

Of course there is no birth to the inner Âtman, (that is,) the ÂTMAN contained in the body, for the ÂTMAN has no beginning, and nevertheless, PURUṢA becomes connected with the body, in that suffering body He endures a series of enjoyments of the nature of happiness or sorrow, and with the relation of this sort, He certainly becomes connected 5 (with the body).

The connection between the soul and the body.

And that connection is brought about from the deeds resulting from ignorance, desire, and enmity, and is not a spontaneous product. And that, being an effect, has decidedly an end, and (thus) (there is) no (such 10 thing as) not-Mokṣa.

277. It has been said that the birth (or beginning) of the universe (is proceeding) from the ÂTMAN, (and the sage now) says to develop that (idea):

CXXVI. He who has been described to you by 15 me as the Original Lord and a Thousand-Âtman,—out of His mouth, arm, thigh, and foot are (come) the four Varṇas in order,

CXXVII. The earth is produced from His foot, the heaven from His head, the life-breaths from His 20 nostril, the directions from His ear, the air from His touch, and the fire from His mouth,

CXXVIII. The moon from the mind is born, the Sun from the eye, and the ether as well as the universe containing the moving and not-moving (beings) 25 from the groins.

The origin of the four Varṇas.

He who has been described to you by me as Thousand-Âtman because of his being the soul of everything, as of many manifestations because of being the universe, and as the Original LORD because of his being 30 the cause of the entire universe, the four Varṇas, Brâhmaṇa and the rest, came into existence from the mouth, arm, thigh, and foot of Him respectively. Likewise (were produced) from His foot the earth, from (His) head the abode of the celestials, from (His) nose the life-breath, from (His) ear the directions, from (His) touch the air, from (His) mouth the 35 fire, from (His) mind the Moon, from (His) eye the Sun, and from (His) groins the ether and the universe containing the moving and not-moving beings.

SECTION XIII.—EXPLANATION OF DIFFERENCE IN BIRTH ETC.

278. (The listening sages) urge (a point) here:

CXXIX. If that is so, O Brahman, how (is it) He is born among inferior beings? He (is) ÎSVARA, and how (is it) He is brought into contact with undesirable con- 5 ditions?

O Brahman, the Lord of Yogins, if ÂTMAN Himself gets the nature of Jîva etc., how then is it that He is born among inferior animals, the beasts, birds, and so on? And would it be is said that the birth there is on account of being tainted 10 with ignorance, passion, enmity, and so on? That too cannot be; wherefore, how can ÎSVARA, who has free will, be brought into contact with the undesirable conditions of ignorance, passions, and so on?

What makes ÎSVARA to be born among inferior animals?

279. And more:

CXXX. Though He is attended by the organs of 15 perception, how is it that He has no knowledge (of a) previous (existence)? Wherefore is it that, though present in everything, He cannot understand the suffering that is found in all?

Likewise even this (is) a counter-argument in this (matter), though 20 He is attended by mind and the like means of perception, how is it that no knowledge (of a) previous (birth), (that is,) the thought of having endured in a different birth, does not arise in Him? Likewise, how is it that He does not feel the suffering which is found in every 25 being, and is of the nature of happiness, misery, or the like, though He is present in everything, (that is,) though He is found in every body? Thus, it is not right (to hold) that ÂTMAN alone, who is ÎSVARA, obtains the condition of Jîva and so on.

Why is it that ÂTMAN cannot feel it though He has means of perception.

280. (The sage) gives an answer to the first question: 30

CXXXI. This Jîva on account of the taints, arising from the actions of the mind, speech, and body attains the condition of one of the lowest (caste), bird, or not-moving being, and also (passes) through hundreds of births and wombs. 35

Of course ÎSVARA in his own condition has got the attributes of Reality, Knowledge, and Happiness, and, nevertheless, under the influence of association with ignorance, He is overpowered by the conditions of ignorance, passion, and so on, and does a series of actions, which are of three kinds, 40

ÂTMAN is born again and again on account of ignorance, passion, etc.

mental and so on, and which become the cause of birth among various inferior animals. And thereby he obtains the quality that causes an inferior birth such as that of the lowest caste. Persons of the lowest (caste) are Chaṇḍâlas etc., birds are crows and the like, and not-moving beings are trees and so forth, and the condition of them is the condition 5 of a person of the lowest (caste), bird, or not-moving being. These (conditions) this Jîva attains on account of the defects of the Karman achieved by the mind, speech, and body respectively (after going) through a thousand births.

281. And more: 10

CXXXII. Just as the propensities of the souls (while staying) in the bodies are innumerable, in exactly the same way (are) the shapes of living beings of all classes in this world.

Just as of the souls, (that is,) of the Jîvas, (that are staying) in the 15 bodies, the propensities, (or) the particular attitudes of thinking, are innumerable owing to the proportion of preponderance of the Sattva and the other qualities, even so the effects thereof, (that is,) the shapes distorted, dwarfish, and so on, are of all living beings in all classes (y).

282. Well, (it may be objected,) if being distorted in the body etc., 20 are produced of Karman, then, they should come into effect immediately after the deed (is done): Anticipating (this the sage) says:

CXXXIII. The ripening result of the deeds done is after death, and of certain ones it arises in this (world) (alone). Of some it is either here or elsewhere, and pro- 25 pensity is the effector in it.

The ripening result of actions sometimes after birth, sometimes while alive, and sometimes partly in both the cases.

The ripening result, (that is,) the effect of certain deeds, such as the rites of Jyotiṣṭoma and so on comes after death, (that is,) when another body is taken. Of certain (other) deeds such as the Kârîryâ (sacrifice) (z), the 30 effect which is of the nature of rain and so on is produced in this (very world). Of certain (other)

(y) "And from this is removed the objection how it is that ÎSVARA is brought into contact with undesirable conditions. Also in these two verses a removal of the objection is stated that the obtaining of a mean birth and a mean shape is only (true) of PARAMATMAN who has enbraced a subtle body, and has got into the condition of the soul, on account of the sin, and not of PARAMATMAN Actual. Further for this very reason, (it is) to be inferred (that there is) no consciousness of the conditions enjoyed during some other existence. Thus, therefore, it is stated by the expounders of the Śâstras that the remembering of the (previous) births and so on (holds good only in the case) of Yogins whose sins have been completely reduced."—APARÂRKA.

(z) Kârîryâ is the name of a sacrifice and is referred to by MADHAVACHARYA in the 7th Adhikaraṇa of JAIMINI, XI. i. He says *kârîryâdeḥ kâmyasya Karmaṇo abhyâsena*

deeds such as Chitrâ (*a*) and so forth, the effect (which is of the nature of) cattle and so on (comes) to happen either here or when a different body (is taken), and thus there is no settled rule.

The meaning of the text is that it is not indeed (necessary that) the effect of the deed should appear immediately after the deed. And, again, with regard to the capacity of the deeds to bring about the good or bad effect the very condition of the Sattva quality and the rest becomes the effector, for on that depends the difference of the results (*b*).

The Chief effector is the Sattva and the like qualities.

283. It has been said that he obtains the birth of one of the lowest (caste) and so on on account of (the sins) resulting from the actions of mind, speech, and body: (The sage now) says by way of amplifying it:

CXXXIV. One who muses with a sole intent over another's wealth, likewise (one) who thinks of undesirable things, and also one who persistently determines on false things is born of inferior wombs.

He who muses with a sole intent as to how he should rob others of their properties, likewise he who thinks of undesirable things thus, 'I shall commit a Brâhmaṇa-slaughter' and the like (acts) that involve cruelty, and he who has also a persistent determination, (that is,) a repeated determination to things that are unreal, is born of inferior wombs, as a dog, a Chaṇḍâla, and so on (*c*).

One is born of inferior wombs on account of mental sins.

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phalabhâyastvadarśanât, because, it is stated in connection with Kârîryâ and the like rites which are performed with a desire, that the merit grows excessive in proportion to (the number of times in) which it is repeated.

(*a*) Chitrâ is the name of a sacrifice. It is treated as an Adhikaraṇa in JAIMINI I. iv. 3. The text is, *Chitrayâ yajeta paśukâmaḥ*, he who desires to possess cattle might perform a Chitrâ sacrifice. It is further referred to by MADHAVACHARYA in his 2nd Adhikaraṇa of JAIMINI, XI. i. in connection with the topic that what forms part of a sacrifice should be performed only once.

(*b*) The following interpretation given by APARÂRKA may also be noted: "The ripened result, (that is,) the effect, of certain actions such as pleasing longevity (of life) and so on, and also its opposite, the diminution of the term of life etc., and (also that) of certain (actions) which have been done with a weak determination, arise in another birth, while of certain (other ones) which have been again and again performed with a persistent determination the ripened result occurs in this very birth. Again of other actions which have been performed with a determination still more excessive, the fruit arises in this birth as well as in another one. And then, with regard to the peculiarity of all sorts of merits, the propensity coupled with a particular sort of mental action (becomes) the effector, that is to say, the means of producing the effect."

(*c*) "One who muses over the properties of others, (that is,) one who thinks thus, 'How can he be deprived of this?' (or) 'How can this be made mine?'; likewise he who goes on wishing undesirable things to another, (that is,) wishing unpleasant things to another as, 'It were well if this man will have no progeny, no cattle, no wealth'; likewise he who has a persistent inclination towards false things, (that is to say,) one

284. And more (*d*) :

CXXXV. A man who speaks falsehood, is a back-biter, is harsh likewise, and talks incoherently is born among beasts and birds.

That man who is habitually given to speak falsehood, (is) a back-biter, 5 (that is,) poisons the ear of another, is harsh, (that is,) speaks what causes (mental) distress to others, and talks incoherently (*e*), (that is,) speaks things unsuited to the occasion, is born among beasts and birds, superior or inferior, the difference being determined by the conscious or unconscious, 10 repeated etc. (nature of the) act.

Sin of speech productive of birth among birds and beasts.

285. And more (*f*) :

CXXXVI. One who is given to appropriate what is not given, one who is attached to another's wife, or one who kills (animals) in a prohibited manner is born 15 among nonmoving beings.

He who is given to appropriate what is not given, (that is,) he who is intent upon misappropriating another's property that is not given to him, also he who enjoys another's wife, or he who is a slaughterer of animals in a prohibited manner, is 20 born among the non-moving beings, tree, creeper, and so on in proportion to the excessive or light nature of the sin.

One is born among trees, creepers, etc., for sins committed by body.

286. (He now) speaks of the development of Sattva and other qualities:

CXXXVII. One who knows himself, (is) pure, 25 tranquil, and given to conducting of austerities, has conquered his senses, is dutiful, has Vedic learning, and (is) a Śâttvika, (obtains) a birth among the gods.

One who knows himself (is) he who is free from conceit of learning, wealth, high birth, and so on. (He is called) pure 30 (who) has (in him) external and internal purities. Tranquil (is he) who has an unruffled nature. (He is) given to conducting of austerities who is devoted to such penances as Kṛichchhra and so on. Likewise he who is not attached to the objects

He who is a Sâttvika obtains birth among the gods.

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who has a persistent inclination or excessive bent on the conclusions of Bauddhas, Chârvâkas, and so on that are false (or) or not based on authority, has the taint and is born of such wombs, (that is,) of Châṇḍalas and so on. This is the threefold mental sin."—APARÂRKA.

(*d*) "He now speaks of (sins) of speech."—APARÂRKA.

(*e*) "He who speaks contrary to what is well known as the sources of knowledge, Purâṇâs etc."—APARÂRKA.

(*f*) "He now speaks of the sins of the body."—APARÂRKA.

coveted by the senses, is given to the performance of (religious) duties (that are) compulsory as well as occasioned (by special circumstances), and is one who has understood the meaning of the Vedas, is a Sâttvika. And such (a one) obtains a birth among the gods, exalted or more exalted in accordance with the proportion of Sattvika element. 5

287. And more:

CXXXVIII. He (is a) Râjasa (person) who is given to the (performance of) blameworthy acts, (is) a coward, (is) exertive, and (is) sensual, (and) obtains a birth among mankind after death. 10

He who has a Râjasa qualities obtains birth among mankind.

He who is given to blameworthy acts such as piping, drumming, dancing, and so on, and likewise (is) a coward (or) has a bewildered mind, (is) exertive, (that is,) is always engaged in actions, and (is) addicted to excessive sensual pleasures, is one who has in him the Râjasaic 15 element, and such (a one) obtains, after his death, a birth among mankind, of inferior or superior caste in accordance with the proportion of that element (*g*).

288. And more:

CXXXIX. One of a sleeping disposition, a cruel 20 man, a miser, an infidel, a beggar likewise, one who is careless, and one who takes to a wrong course, is, being a Tâmasa, born among beasts.

A Tâmasa man is born among beasts.

And likewise, again, he who is of a sleeping disposition; does acts of cruelty to animals, and has got a miserly nature; is 25 likewise an infidel who speaks ill of religious duties and so on, or is a habitual beggar; he who is careless, (that is to say,) he who is devoid of discretion as to what should and should not be done; and he who takes to a forbibden (line of) conduct, —such a man has Tâmasa element in him and is born among cows and the 30 like (beasts), inferior or more inferior according to the proportion of that element.

289. (He now) sums up what is said above:

CXL. Thus charged with Râjasa and Tâmasa elements, he lingers here, and being overtaken by undesir- 35 able conditions, gets into Saṃsâra.

(*g*). The following is the interpretation of APARÂRKA: "Good deeds are Dharma and what is other than that is blameworthy. . . . . . An Adhîra* is he who is unable to endure the extremes such as heat and cold. (He is) exertive who is always engaged in warfare with a desire . . . "

* *N. B.—Adhîra* is the word used by YÂJÑAVALKYA which has been translated as *coward* to suit the explanation of the Mitâkṣarâ.

The winding up of the topic.

This ÂTMAN who is affected by ignorance thus, is charged fully with Râjasa and Tâmasa qualities, moves on here in this Saṃsâra, is overtaken by various conditions causing misery, and, again and again, gets into Saṃsâra, (that is,) taking up of a body. 5

Thus there is no ground to (raise) the objection, "He (is) ÎŚVARA, and how (is it that) He is brought into contact with undesirable conditions?"

290. The second objection is, "Though he is attended by the organs of perception [how is it that He has no knowledge (of a) previous existence?]" and even to that (the sage) gives an answer: 10

CXLI. Just as a dirty mirror is not suited indeed to observe (one's own) features (even) so he whose organ of perception is undeveloped is unsuited to the knowledge of the ÂTMAN.

An undeveloped sense cannot perceive things enjoyed in the past.

Of course the Âtman (in the body) is possessed of the means of 15 obtaining knowledge, such as the inner organ (called mind), and nevertheless, he is unable to perceive the things enjoyed during some other life, for he has his organ of perception undeveloped, (that is to say,) his mind is occupied by dirt, such as passion and so on. It is like a mirror which is cover- 20 ed with dirt, and is unable to create a knowledge of one's (own) features.

291. Well, (it may be urged,) even the knowledge relating to a previous existence is elucidative of the ÂTMAN, and it is self-evident to Him, and, therefore, it is not right to hold that He cannot perceive it. (The sage) anticipates this and says (*h*): 25

CXLII. Just as in an unripe cucumber which is bitter, the sweet taste, though present in it, is not perceived, even so, indeed, the quality of understanding in the ÂTMAN contained in the body whose organs of perception are not yet developed. 30

Just as in a cucumber which is unripe and is bitter, (that is,) in a Karkatikâ ('cucumber') fruit which tastes bitter (*i*), the sweet taste,

(*h*) (The sage) gives an illustration with reference to the fact that though there is the knowledge, it cannot come under perception unless there is the (necessary) development.—APARÂRKA.

(*i*) This word 'Katu' ('bitter') is not used in the sense of a particular taste, but (it is used) to indicate a particular variety."—APARÂRKA.

N.B.—The meaning seems to be that though certain cucumbers are bitter to taste when tender begin to taste sweet as they grow more and more ripe. Mangoes that are very sour when unripe become as much sweet when they are ripened. But APARÂRKA however, holds an altered view.

An example of the bitter cucumber for non-perception.

though present in it, cannot be perceived, even so the quality of understanding, (that is,) the quality of his being the knower, (that is to say,) the capacity of perceiving the things pertaining to a previous birth, though present in the ÂTMAN (who stays inside the body,) cannot be perceived when His means of perception are undeveloped. 5

292. (The sage now) answers (the question) which has been raised as, "Wherefore is it that, though present in everything He cannot understand the suffering that is found in all?" (I. 130):

CXLIII. The Âtman who has a body feels the suffering pertaining to all (living beings) in a body that is his, but a Yogin who is liberated gets the contact of suffering of all. 10

Next, the Âtman who has a body, (that is,) who has a love of person, perceives the suffering which is of the nature of Âdhyâtmika ('pertaining to the mind') etc., and falls to (the lot of) all (living beings), in a body which He has acquired out of His very deeds, but (He can) not (feel) that pertaining to any other body, (the reason) being the very invisible element (which gives rise) to the starting of (various) suffering bodies. But he who is a Yogin, liberated and free from egoism etc., becomes, on account of his (possessing) fully developed means (of perception), a knower what are conventionally called happiness, misery, etc., and are pertaining to the souls of all the bodies (*j*). 15 20

He who has a love of person cannot feel the pain etc. of others.

A Yogin can feel.

293. Well, (it may be objected,) when the ATMAN is one, the conception that, in the bodies (possessed) by the gods, men, and so on, He is different, cannot be possible. (The sage) anticipates (this) and says: 25

CXLIV. Just as though space is one indeed, it becomes different with reference to the pots and so on,

(*j*). APARÂRKA's interpretation is quite different. He says: The Âtman who has a body, (that is), He who believes that the object (known as the) body is his own self, feels or gets in his own person, the suffering which is of the nature of happiness or misery the suffering pertaining to all, (that is, the sufferings), the arising of which depends upon all his organs, the head, the hand, the foot, and the like. But he, on the other hand, who has Yoga in him, when his Yoga matures and the notion that the object known as the body is himself disappears, becomes a knower of, (that is,) one who understands, all the miseries that are present in the bodies of all, and (it does) not (mean) that he (actually) feels the misery that comes to all men." The idea is that a Yogin feels that every one is happy while he alone is subject to every sort of misery that exists in the world. The reading too of APARÂRKA is different and reads as *Yogayuktaścha sarvâsâṃ jñâtâ nâpnoti vedanâm.* Yoga does not seem to be so very pessimistic and VIJÑÂNEŚVARA's view seems to be better. A Yogin can feel the pain and pleasure of all living beings for he feels his own self, the ÂTMAN, everywhere. He feels *Sarvam khalu idam Brahma*, all this indeed is BRAHMAN.

even so ÂTMAN who is indeed one (looks) several as the sun in water-containers.

Just as though the space is only one (whole) it is (yet) perceived as several being distinguished by diverse limitations such as well, pot, and so on, or even just as though the sun is only one is (yet) perceived as many 5 in different water-containers such as a water-pot, a jar, a Mallikâ pot, and so on, so even ÂTMAN, though only one, is yet regarded as many by the limitations of the inner sense which bring about the distinctions. The employing of the second illustration is for the purpose of showing that (the holding) of ATMAN as several is not pertaining to the Highest Know- 10 ledge (k).

294. "The Lord at once obtains the five elements himself being the sixth" (III. 72): (The sage) concludes the topic opened by this and the other (texts) and says:

CXLV. BRAHMAN, ether, air, fire, water, and earth 15 are the Dhâtus. These are the Lokas, and that the ÂTMAN, and from That (the world) containing the moving and non-moving beings (comes to exist).

The six Dhâtus, BRAHMAN, etc.

BRAHMAN (is) ÂTMAN, ether (is) the sky-element, air (is) the gaseous element, fire (is) (the element known as) Agni, 20 water (is) well known, and (these) along (with) the earth (are called the Dhâtus). As these very Dhâtus ('elements') the air and the rest are called Dhâtus because *dhârayanti*, they pervade, the body and support it. Of them the five elements beginning with ether are called Lokas, because *lokyante*, they are perceived, that is to say, (they are) inert. 25 This ('BRAHMAN') is the chief element known as ÂTMAN, and from it, (that is,) a combination of inert and non-inert elements, the world consisting of non-moving and moving (beings) comes to exist.

295. (The sage now) says how this ÂTMAN creates this world:

CXLVI. Just as a potter prepares a pot by bring- 30 ing together clay, stick, and wheel; or a house-builder a house with rushes, mud, and wood;

CXLVII. Or a goldsmith (various) shapes by taking mere gold; or a Kośakâraka (worm) a cocoon by union with its own saliva; 35

CXLVIII. Having thus taken the materials and uniting them with the sensory organs the ÂTMAN creates himself in those respective classes.

(k) APARÂRKA begins his interpretation as, "Indeed the quality of being diverse, if not subject to limitations, is opposed to unity."

The ÂTMAN creates the body with earth and so on and is confined himself within it.

Just as, indeed, a potter, having taken the various necessary things such as clay, the wheel, rags, and so on turns out a collection of various kinds of manufactured articles such as water-pot, dishes, and so on; or as an architect turns out one effect known as house 5 by taking rushes, earth, and wood,—things mutually dependent; or even as a goldsmith taking mere gold produces such effects as bracelets, crowns, ear-rings, and so on, all proceeding from gold itself; or even as Kośakâraka (which is) a particular (kind of) worm, begins to produce from its own saliva what is called Kośa ('cocoon') which goes to confine that (worm) itself, even 10 so the ÂTMAN, having gleaned the materials such as the earth and so on that are mutually dependent, and likewise the sensory organs also, the ear and so on, creates in this Saṃsâra his own self bound by the bondage of his own Karman, as possessing a body among those respective classes, the gods etc. 15

296. But what is the evidence for the existence of the (element) (called) ÂTMAN distinct from the organs of enjoyment and the organs of perception? (The sage) anticipates this and says:

CXLIX. Just as the five great elements are true, the ÂTMAN too is exactly so; or else, how can one perceive 20 by another (sense) what is seen by one, (namely,) the eye,

CL. Or who will recognize the voice once heard when he hears it again?

Just as the great elements such as the earth and so on are indeed, true—for that is so understood from the authorities—even so the ÂTMAN 25 is true; or else if a knower other than the intellect and the organs does not exist, how can one, who has perceived a thing by one (sense), say the organ of sight, can perceive it by another, (say,) the organ of touch, (and feel) 'I touch him whom I have seen?'

Likewise, having previously heard the voice of a certain man, 30 who can, when he hears it again, recognise (it) as, 'This is his voice'? Thus it is settled that a knower distinct from the organs of perception there does exist.

297. And more:

Whose is then the memory of a past event, or who 35 (is it that) brings about a dream?

CLI. (Who is it that) has the pride of birth, features, age, occupation, learning, and the like? Who (is it that) endeavours after sound and other objects (of perception) by deed, mind, and speech? 40

If the ÂTMAN is not of certain existence, then, who is it that has the memory which brings to the mind a thing of experience, and which is dependent upon the awakening of the impression produced by previous experience? Indeed with regard to a thing seen by one, another cannot have the memory. Likewise, who is it that brings about consciousness during a dream? Indeed there cannot be the power of bringing about that in the organs whose actions are suspended. Similarly to whom other than the unchanging ÂTMAN does the supposed belief which is of the nature of 'I alone am blessed with the qualities of a high birth and the like'? belong? Who (is it) that likewise endeavours with all his mind, speech, and body for the purpose of securing the enjoyment of sound, touch, and so on? Even, therefore, the ÂTMAN dictinct from the intellect and the sensory organs there does exist.

Memory, dream, pride, and endeavour are arguments in favour of the existence of the ÂTMAN.

5

10

SECTION XIV.--ENGAGING ONE'S SELF IN PHILOSOPHICAL PERSUITS ETC.

15

298. Intending to describe the nature of Saṃsâra for the purpose of prescribing a particular form of meditation, (the sage) says:

CLII. He who feels doubtful whether there is reward for actions or not, being blemished, conceives himself perfect though imperfect.

20

He, (that is to say,) the ÂTMAN described above being blemished (or) tainted with egoism, feels doubtful everywhere in feeling whether there is reward or not for actions. And likewise though imperfect, (that is,) though he has not achieved what he has to do conceives himself to be actually perfect, (that is,) one who has achieved what he had to achieve.

One should not feel doubtful whether there is reward for actions or not.

25

299. Moreover:

CLIII. (This is) my wife, (these are my) children, (these are my) dependants, and I (belong) to these,—(to think) thus (is his) attitude, and he is always of a perverted sense with regard to actions bringing good or evil.

30

To him of a blemished sense, there is a mental attitude extremely tarnished by a feeling of *mineness* such as '(These, namely,) wife, children, dependants, and so on are mine, and I (belong) to them.' And likewise he of a blemished sense is ever of a perverted disposition with regard to the various actions bringing good or evil.

The feeling of 'mine' perverts intellect.

35

300. And more:

CLIV. With regard to the knower of the knowable, when in the normal condition or even a disturbed one, he makes no distinction, and attempts fasting to death, falling into fire, being drowned in water, or falling from heights. 5

CLV. Conducting himself thus and being insolent and having attachment, to false (things) he is, on account of his deeds, bound down by hatred and ignorance as well as desire. 10

He who knows what should be known is the knower of the knowable; and with regard to such an ÂTMAN, in his normal condition, (that is,) in a condition when his temper is equanimous, and in a disturbed one, (that is,) in feeling egoism and so forth, he makes no distinction, (that is,) becomes 15 incapable of any discrimination. And likewise in fasting (to death), falling into fire or water, swallowing of poison and so on, he does, on account of his blemished condition of mind, exert himself.

Inability to curb himself makes him bound down by hatred, ignorance, and desire.

Thus taking himself to various kinds of undesirable deeds he is insolent, (that is,) cannot curb himself and, growing wrongly attached 20 to unrighteous deeds, he is, on account of multitudinous deeds done thereby, bound by passion and hatred as well as ignorance.

301. But how does, through taking a body, conviction (*l*) come to him again? (The sage, therefore) says next:

CLVI. Attending upon Âchârya, diligent study of 25 the meaning of the Vedas and Śâstras, the performance of the deeds laid down therein, (keeping) company with the wise, auspicious words,

CLVII. Avoidance of seeing and embracing women, viewing of all beings as his own self, giving up 30 of (all) possessions, wearing of worn out ochre-coloured cloth,

CLVIII. Withholding the sensory organs from the objects, getting rid of sleepiness and inertness, proper estimates of the body, noticing of sin in all movements, 35

(*l*). S. notices a reading *visraṃsa*, dropping off.

CLIX. Getting rid of Rajas and Tamas qualities, purification of propensity, freedom from desire, and tranquillity;—being purified by these means, one full of Sattva becomes immortal.

Service to Âchârya, study, religious deeds, etc. make one full of Sattva.

Service to Âchârya (is) for the purpose of learning. Diligent study (is) in the meaning of the Vedânta as well as in the meaning of the Yoga philosophy of PATANJALI and others. Performance (of the deeds laid down therein is the performance) of the acts of meditation described therein. (Keeping) company with the wise (there should be), and also he must have the quality of speaking what is pleasing and beneficial. (He should observe) complete abstinence from looking at women or (having) their embraces. Viewing of all beings as his own self (is) to look upon them (all) equally. Possessions (are) children, fields, wife, and so on, (and there should be) a giving up of these. (He should take to) wearing of worn out ochre-coloured clothes. Likewise (he must know how) to check the running of the ear and the other sensory organs towards the objects, sound, touch, and the like. Tandrâ ('sleepiness') (is what) looks like sleep, and inertness (is) want of enthusiasm, (and he should know how) to abandon both of them particularly. Proper estimate of the body (is) the consciousness of its being transient, impure, and so on. Likewise in all movements, such as walking (from place to place) (there must be) a consciousness of the sin such as of killing small living beings (by trampling). Likewise (there should be) a complete severance of the qualities of Rajas and Tamas, a purification of propensity by Prâṇâyâma, and so on; freedom from desire, (that is,) no desire with regard to objects; and tranquillity, (that is,) subjugation of the external and internal organs. One might by these means such as attending upon Âchârya and so on, be well purified himself and become full of pure Sattva, and attain immortality, (that is,) liberated (from the bonds of Saṃsâra).

302. But how (comes) the attainment of immortality? (The sage) next says:

CLX. By meditating upon with a true recollection, by being full of Sattva, by a complete destruction of the actions, and by the contact of the wise, Yoga flourishes.

By meditating within one's self in a fixed manner by bearing in mind that the Reality is known as ATMAN, by being full of pure Sattva, (that is,) by being full of the Sattva quality unalloyed, by a complete destruction of the productive germs of action, and also by the contact of wise, does Âtma-Yoga flourish.

SECTION XV.—EFFECT OF THE MENTAL ATTITUDE AT THE TIME OF DEATH AND THE PASSAGE OF THE SOUL AFTER DEATH.

303. And more:

CLXI. He who has an untarnished intellect and 5 whose mind, (does) well, at the ending of the body, (fix itself on) ÎŚVARA centered in the Sattva, obtains a recollection of the births.

He who fixes his mind on ÎSVARA at the time of death obtains a recollection of births.

Next, if the mind of that Yogin whose sense is untarnished does, at the time when the body is being parted with, fix 10 itself well, (that is,) in a steady manner, on ÎSVARA, who is full of Sattva, then if, (however,) he cannot attain ÂTMAN by the insufficiency of the practice of meditation, he obtains, on account of the sharp nature of his refined Saṃskâra, (at least) a recollection of the sorrows consequent upon his 15 stay etc. in the various wombs of worms, insects, and so on and enjoyed by him during some other birth. And with that recollection he sets forth on Mokṣa that cuts (the sorrows) off on account of the anxiety that arises (in him) (to escape such things).

304. But the Saṃskâra being not sharp enough, if one cannot recol- 20 lect his previous birth, what would be his course? (The sage, in answer to this,) says next:

CLXII. Just as an actor paints, indeed, his body with colours intending to give it various appearances, so the Âtman (gets) bodies determined by the deeds (he 25 does).

The condition of the body is determined by the nature of the deeds one has done in previous births.

Just as an actor, (that is,) one who appears on the stage, paints, (that is,) puts on colours on, his own body with white, black, yellow, and the like colours to give it various appearances such as of RÂMA, RÂVAṆA, 30 and so on—exactly so the Âtman, for the purpose of enjoying the fruits of those various deeds, obtains the bodies produced by Karman, and presenting various features distorted, dwarfish, and so on.

305. And more:

CLXIII. It is observed that the disfigurement of 35 the embryo is on account of the defects of time, action, and the germ which produces one, and likewise those of the mother; and the wanting of a limb and so on (is subsequent) to the conception.

It is not sheer Karman and nothing else that is productive of distortion, dwarfishness, and so on, and on the other hand, even time, of action, defect in the father's germ (that acted as) the cause of his body, and the faults of the mother, all these are the co-operating 5 causes. By this association of the causes which can either be detected or not detected the disfigurement of the embryo, such as its wanting in a limb, is observed to take place at some undefined period after conception.

Defects of time action, germ, and of mother bring about disfigurement of the embryo.

306. Well, (it may be objected,) at the time of the Pralaya of Prakṛiti, when all things, such as Mahat etc., evolved out of it, perish, 10 even Karman comes to an end, and how does the taking of the first body that is governed by that (Karman), comes (to happen)? (The sage) anticipates this and says:

CLXIV. This Âtman who is not already liberated is never (free) from egoism, mind, course, result of action, 15 and the body.

Mind and egoism (are) well known. Course (is) the accumulation of sin that becomes the cause of transmigration. The result of action (is of) the nature of virtue and vice, and the body is what is known as Liṅga ('subtle') (*m*). From these, egoism and the rest, this Âtman is never 20 separated at all so long as there is no Mokṣa.

307. Well, (it may be objected,) death should naturally come at a settled time alone to the Jîvas whose deeds (are also) pre-arranged (to take effect at a particular time), and (there should) not (be) loss of lives then in battles etc. simultaneously and at an unsuited time. (The sage) 25 anticipates this and says:

CLXV. Proceeding from wicks and associated with oil just as the continuation or disturbance of a light is seen, even so (is) the loss of lives at an unsuited time.

Just as indeed there is a simultaneous existence of several flames 30 proceeding from many a wick soaked in oil, and just as there occurs a simultaneous extinction of those (flames) that exist on account of an unexpected and simultaneous cause of destruction, which is of the nature of 35 blowing wind and which roughly passes over them, even so it is not improper that, on account of the cause known as war bringing about simultaneous deaths, there can be loss of lives consisting of the lives of charioteers, chariot-drivers, horses, elephants, and so on even at an hour that is not pre-arranged. It is (as much as) saying this, (namely,) that

Destiny is resisted by the suddenness of a known cause.

(*m*) Liṅga-śarîra consists of seventeen elements, the five material elements (the earth, water and so on), the five sensory organs, the fine active organs, mind, and egoism.

destiny which has become the cause of destruction at a time predestined, is resisted by the suddenness of a known cause which brings about an effect contrary to it.

308. He now describes the path of Mokṣa :

CLXVI. Of Him who is centred like a lamp in Hṛidaya, innumerable are the rays black, white, of a variegated colour, reddish, and dark-red. 5

CLXVII. Of them one is pointed upwards which, piercing the sun-globe, reaches beyond the region of BRAHMAN, and thereby one attains the Highest course. 10

The passage of the soul to attain Mokṣa, through one ray pointing upwards.

Of the soul which like a lamp is centred in the Hṛidaya, several are the rays, (that is,) nerves, which cause (a sensation of) pleasure, pain, etc., which are described in (the verse) "Seventy-two thousand [are the nerves] etc." (III. 108), which are black, white, 15 and of a variegated etc. colour, and which spread in all sides. Of them one ray is pointed upwards which pierces the sun-globe and passes beyond the region of BRAHMAN. By (means of) that the soul attains the Highest course characterized by no more returning (n).

309. He now describes the way to heaven : 20

CLXVIII. By those other one hundred of his rays that are also pointed upwards, he obtains the bodies of the gods along with the regions.

(n) APARÂRKA adds : "These rays are not of Jîva, but of the lunar and solar globes centered in the midst of a group of nerves known as afferent and efferent. They are said (to belong) to it indeed by a fancied identification.

(An objection). Well then, this Smṛiti text is opposed to "His lives do not ebb out" and the like Śruti texts.

(Answer). It is not so. This Smṛiti has for its basis the well known Śruti text, "Passing upwards through it, he attains immortality." Thus there is here a mutual conflict of the two Śruti texts themselves, and it is not a conflict between a Śruti text and a Smṛiti text. Nor is there, strictly speaking, a conflict even between the two Śruti texts : In connection with "His lives* do not ebb out," (there is) a portion to be supplied to make the sentence complete as "to be born again," so that it may not conflict with the other Śruti text. Or it may be taken to mean this, (namely,) that (the Âtman) has the mastery over the lives and they cannot pass away leaving him behind as a dependant, but on the other hand, leave the body at his own will."

* *N. B.*—The text runs thus *na hi asrya prâṇâḥ utkrâmanti atraiva samavalîyante*, 'Indeed his lives do not ebb out, but are absorbed here alone.' It is hard to understand what APARÂRKA means when he says that the ellipsis is to be supplied otherwise.

By means of those one hundred of his rays, which, being other than that acting as the path of Mokṣa to this Âtman, are arranged upwards alone, he obtains the bodies of the gods which are of pure lustre, and are the abodes of the enjoyment of happiness alone, along with the regions, (that is,) along with the celestial cities made up of gold, silver, and precious stones. 5

Several other rays pointing upwards lead him to Svarga.

310. (The sage now) describes the path of transmigration:

CLXIX. Through those rays which are not of the same nature, are below, and are of a faint lustre, He, unable to resist, passes for enjoying here the (results of his) actions. 10

By means of those rays which are, on the other hand, below them and are of a faint lustre, He being unable to resist, (that is,) being (entirely) bound to (the course) of the deeds He himself has done, passes through the cycle of births and deaths for the purpose of enjoying here the fruits (of his own actions). 15

Passage to the Samsâra through the rays pointing downwards.

SECTION XVI.—REFUTATION OF MATERIALISM.

311. (The sage now) says by way of (refuting the view held by the advocates of the theory) that matter possesses animation: 20

CLXX. By (means of) the Vedas, the Śâstras as well as knowledge, by birth and death, by affliction, by movements and non-movements likewise, by truth and falsehood indeed, 25

CLXXI. By (the occurrence of) what is beneficial, by happiness and misery, by actions too good and bad, by the results of portents, the knowledge of auguries of birds, and conjunction of planets,

CLXXII. By the motions of stars and constellations, by the (forebodings in) a wakeful condition, by what is seen in dreams also, and likewise by ether, air, fire, water, earth, and darkness, 30

CLXXIII. By the Manvantaras, by the occurrence of the Yugas, and by the effects of Mantras and medicines also, understand the Âtman who should be known and who likewise is the genitor of the world. 35

Proofs to show that there is an ÂTMAN other than the body.

By the Vedas (means) by (means of) such texts as, "This is that ÂTMAN which cannot be denoted by any expression whatsoever;" "It is neither thick nor atomic nor short, and has neither hand nor foot;"(*nn*) and so on. By Śâstras (means) by Mîmâṃsâ, Nyâya, and the like sciences. And by knowledge (means) by such experience of one's own self (forming an entity) other than the body, as (for example), 'This is my body.' Likewise by birth and death that are regulated by virtue and vice practised while (one had taken) some other birth, (there should be) an inference that (there is an) ÂTMAN superior to the body. By affliction (means) by (the distress) that is ordained (to be enjoyed by) one who has done (various) deeds while (he had) taken another birth. Likewise by movements and non-movements also which are determined by consciousness, desire, effort, and support, (there should be) an inference that there is an ÂTMAN superior to the material body.

Physical body has no animation.

312. Indeed there can be no animation and the like (qualities) possible to the (physical) body, wherefore, in the order of enumerating the qualities of the cause there is seen a mentioning of special qualities relating to an object which is the effect. Nor is there a possibility of animation and the like (qualities) being in any (way inseparably) connected with the molecules of earth that enter into its formation, for (in that case animation would have been universal, and) it is not observed in (such) material things, (as) a pillar, a pot, and so on produced of those (molecules themselves). Nor should it be said that, like the power of intoxication, (animation) is the result of combination with water and other substances, for power is a quality common to all (and it will have to be expected in other cases also where it is not found). Thus one who has

(*nn*) It is hard to do proper justice to this passage. The editions before us do not suggest any satisfactory solution. S. reads "*sa eṣa*" "*neti neti*" *iti* "*Âtmâ*" *iti* "*asthûlam—anaṇu—ahrasvam—apâṇipâdam*" *ityâdibhiḥ*. G. and N. enclose the whole thing from *sa eṣa* to *apâṇipâdam* in one quotation. D. adopts no quotation marks at all. The reference seems to be to Bṛihad-Âraṇyaka-Upaniṣad, III. ix. 26, IV. ii. 4, IV. iv. 22, and IV. v. 15, where there is a passage *sa eṣa neti neti Atmâ*, and also to III. viii. 8 of the same Upaniṣad where there is a passage *asthûlam etc*. In this case the translation would be, 'This is that ÂTMAN which cannot be denoted by any expression whatsoever,' and 'It is neither thick, nor atomic *etc*.' *Neti neti* occurs in the same Upaniṣad II. iii. 6, and the Bhâṣya explains it as a double negative signifying that ÂTMAN is an entity which cannot be denoted by any suited expression. The same double negative repeats itself in the other passages referred to above.

But the presence of another *iti* after the second *neti* is baffling to some extent. The punctuation found in S. is not correct either, for, if it were, as the uniformity shows, there ought to have been another *iti* after *sa eṣa*. Or it might be taken as '*sa eṣa neti neti*' *iti*, '*Atmâ*' *iti*, '*asthûlam etc*,' in which case the translation would be 'This (ÂTMAN is that entity) which cannot be denoted by any suitable expression,' 'ÂTMAN *etc*.,' 'It is neither thick *etc*.'

the qualities of animation and so on and is superior to the material body should be accepted (as existing).

313. Truth and falsehood (are) well known. What is beneficial (is) the occurrence of what is for one's own good. Happiness and misery (are what belong) to the next world. Likewise (there is this,) (namely), 5 the doing of an act that is good and giving up of what is bad. From these (things) also which are settled by knowledge, (there should be) an inference that there is an ÂTMAN superior to the body. A portent (is such as) an earthquake. A knowledge of augury of birds (is a knowledge of things) indicated by the movements of Piṅgala 10 and like birds. The planets are the sun and the rest, and by the influences resulting from their conjunction (there should be an inference of the existence of ÂTMAN). The stars are the luminaries other than (the ones known as) Aśvins and so on, and the constellations are the twin Aśvins etc., and by the motions 15 of these indicating of good or bad influence, and by the (forebodings of) wakeful conditions, (that is,) those (portents) which are observed during the wakeful condition such as the observing of the sun as possessing spots in it, and so on; likewise by the (portents) of dreams, (that is,) the knowledge of driving in a carriage drawn by donkeys, pigs, and 20 so on; likewise by ether and the like on that are created as things of enjoyment for the soul; likewise by the fact of the body becoming impossible (as judged) by the occurrence of Manvantaras and different Yugas; likewise by the power of Mantras ('incantations') and medicines (on individuals); and by the minor acts etc., which are performed with 25 deliberation,——by these that cannot be attributed to the body directly or indirectly, O sages (Sâmaśravas and the rest), understand, (that is,) know, (that there exists an entity called) ÂTMAN, who should be investigated.

Other proofs of the existence of ÂTMAN.

314. And more : 30

CLXXIV. Egoism, recollection, retentivity, hatred, intellect, happiness, courage, transmission (of knowledge from one) sensory organ to another, desire, tenacity, existence,

CLXXV. Heaven, and dream, exciting of feeling, 35 the movement of the mind, twinkling of the eye, animation, effort, and the taking up of the five elements,—

CLXXVI. For the reason that these indications of PARAMATMAN are observed, therefore, there does exist an Omnipresent ÎŚVARA superior to the body. 40

Egoism (is the) sense of self. Recollection (is) that which, being dependent upon an awakening of the impression created by experience belonging to a past life, is manifested in sucking and so on (in a new-born child). Happiness (is that) belonging to this world, (and) courage (is) to be bold. Transmission (of knowledge from one) sensory organ to another is verily the perception by one sensory organ of an object which has been perceived by another, and is such a conception as of the nature of, 'Whom I saw, him I touch.' Here there is a generic indicative quality with regard to (the concepts) desire, effort, and animation, while in the above verses the indicative quality was (of a) special (nature) and was stated as being the cause of motion, truth-speaking, and so forth, and thus there is no repetition. Likewise tenacity (is that) of the body, and existence is the preserving of life. Heaven denotes a species of happiness to be enjoyed in a certain different body. Dream (is that) which is well known. The indicative quality of the term 'dream' in a previous verse was suggestive of auspicious results, but it is (a) generic (term) here, and, therefore, there is no repetition. Likewise (there is) an exciting of feelings, such as those of the mind. The movement of the mind (is that) permeating the centres of animation. Twinkling of the eye (is) well known. Likewise (there is) the taking up of the five elements (in the form of body). Because these connotations are impossible in the (earth and the other) elements and are observed as directly or indirectly pointing out to (the existence of) PARAMÂTMAN, therefore, it follows that there is an Omnipresent ÎŚVARA known as ÂTMAN, and superior to the body.

Other indications of the existence of PARAMÂTMAN.

SECTION XVII.—CERTAIN EXPLANATIONS.

315. (The sage now) describes the nature of Kṣetrajña ('Individual Soul'):

CLXXVII. The sensory organs along with (their) objects, the mind and the active organs, egoism, and intellect, and also the earth and other (elements) indeed,

CLXXVIII. And Avyakta,—(this group is) called his Kṣetra, and the Âtman (inside it) is called Kṣetrajña, who is ÎŚVARA, is Omnipresent, and is Existent, Non-existent, and Existent and Non-existent both.

The sensory organs, (that is,) the ear and the rest, along with their objects, (that is,) together with the objects, sound and the rest; the mind; the active organs, (that is,) speech and the rest; likewise egoism and

Kṣetra ('body') and Kṣetrajña ('Individual Soul').

intellect which possess a deciding character; the earth and the rest, (that is,) the five elements; and Avyakta (or) Prakṛiti (o),—this (collection) is called Kṣetra ('body'), and He who is ÎŚVARA ('lord'), is Omnipresent, and, therefore, of the existent nature, (of the) non-existent (nature) because of His not being recognized by any other means of knowledge, and of a nature existent and non-existent both because of his being ascertained but imperfectly. Such an Âtman is called Kṣetrajña ('Individual Soul'). 5

316. (The sage now) describes the origin of intellect and the rest:

CLXXIX. The origin of intellect is from Avyakta and thence is the source of egoism. The Tanmâtras ('subtle primary elements') and the rest, each next possessing one more characteristic property, (arise) from egoism, and the rest. 10

Avyakta (is) comparable to Sattva and the other qualities, and from it originates the intellect, which is of three kinds and full of Sattva, Rajas, and Tamas (respectively). And from that (intellect) arise the three kinds of egoism known as Vaikârika, Taijasa, Bhûtâdi. From one of those (forms of) egoism proceeding from the intellect of Tâmasa nature and called Bhûtâdi, the Tanmâtras (come to exist). As (the word) *âdi* ('and the rest') is used (in the text, it is inferred that) ether etc. also (come to exist from it). And they are so produced that each next one has one more characteristic property (than the one preceding it). As *cha* ('and so on') (is employed in the text, it is inferred that) from (the other) two (sorts of) intellect, (namely), Vaikârika and Taijasa, (there) arise the sensory and active organs. 15 20 25

The origin of intellect, egoism, etc.

317. (He now) describes the nature of the characteristic properties:

CLXXX. Sound, and touch, (and) sight, and taste, and smell are the characteristic properties thereof. From whatever (source it is) that one of those things takes its origin, therein alone is it swallowed up. 30

(o) As 'Avyakta' is interpreted variously in philosophical schools themselves the above translation both of the verses and the Mitâkṣarâ is given with great diffidence. See however the beginning of the Mitâkṣara on the next verse. APARÂRKA has 'Avyakta is the (element called) Pradhâna'. Cf. Gîtâ, II. 28, where it is explained that the living beings come from Avyakta and are submerged in Avyakta itself. In support of this ŚANKARÂCHÂRYA cites the following: "They came from what is unknown and re-entered the unknown itself" See also Gîtâ, Ch. VIII. Vedântins however hold that Avyakta is the ignorance itself inasmuch as it cannot be distinctly ascertained either by nomenclature or by perception, and anyhow it acts as the chief cause to bring about Saṃsâra. *Vide* also Śârîraka,

It must be understood that the characteristic properties of those, (namely,) the five elements, ether and the rest, are five, the sound and the rest, and each next one (of the elements) contains one more (characteristic property than its preceding one). In the midst of these which are 5 produced of intellect and the rest, from whatever genus, Prakṛiti, etc. one thing takes its origin, it is swallowed up in that alone in a subtle form at the time of Pralaya.

The five characteristic properties, sound etc.

318. Intending to wind up the subject of the topic (the sage) says:

CLXXXI. Just as ÂTMAN, though is the LORD, 10 does (yet) create himself on account of the ripened result of the threefold Karman, even so has it been described to you by me.

CLXXXII. Sattva, Rajas, and also Tamas are declared to be His own qualities, and being influenced by 15 Rajas and Tamas, he does indeed rotate like a wheel.

CLXXXIII. He is without an origin and is the Highest PURUSA, and has also a beginning, subject to changes, and is described of a condition that can be realized by indicative signs and sensory organs. 20

Just as ÂTMAN, though He is ÎŚVARA, creates himself on account of the ripened result of the threefold action, mental and the rest, even so has it been described (by me) to you. The Sattva and the rest are also described to be His own qualities when (He is) under the influence of ignorance. Likewise (the fact) that He alone under 25 the influence of Rajas and Tamas qualities rotates in this cycle of births and deaths has also been described. He alone is the Highest PURUṢA who has no origin. And (He) has yet a beginning on account of His taking a body, and is subject to changes (of being) distorted, dwarfish, and so on, and is likewise fully developed in 30 being extremely huge. And He is described to be of a nature discernible by indicative signs and sensory organs.

The winding up of the present topic.

319. (He now) describes the way to heaven:

CLXXXIV. (That) which (being called) Pitṛiyâna (lies) between Ajavîthî and Agastya thereby those who 35 keep the Vedic Fires and are desirous of heaven pass to heaven,

Ajavîthî (p) is the path of immortals. Through that Pitṛiyâna which lies between that and Agastya (q) those who keep the Vedic Fires pass to heaven, (that is,) attain the region of the celestials.

Pitṛiyâna.

320. And more: 5

CLXXXV. Even those who are well devoted to gift-making and are also full of the eight qualities, and also those whose best course is the vow of truth, pass through that very path.

Even those that are devoted to gift-making and the like deeds 10 laid down in the Smṛitis, well, (that is,) being devoid of boast, and are likewise full of the eight personal qualities described by GAUTAMA and others as, "Compassion, forbearance, freedom from jealousy, purity, quietism, auspiciousness, freedom from wretchedness, and 15 contentedness" (r), and likewise also those who are habituated to truth-speaking, attain heaven through that very path, (that is,) Pitṛiyâna itself.

Those who are devoted to gift-making etc. also go to heaven through that very path.

321. Well, (it may be objected), there is a complete destruction of all the Vedic teachers at the time of the periodical etc. re-absorption 20 (of the world into Prakṛiti), and how do men (that come to exist) subsequent to it perform Agnihotra and the like rites, and how, *a fortiori*, being such as have not performed any religious rites attain the path to heaven? (The sage, therefore,) says next:

CLXXXVI. There (there are) eighty-eight thou- 25 sand sages who are householders, can come back (to worldly existence), act as the seed, and set Dharma on foot (again).

There in that Pitṛiyâna, sages (there are) eighty-eight thousand in number and possess a virtue whereby they can 30 return (to mundane existence), and they act as seeds in the shooting up of the Dharma tree by their being the teachers of the Vedas, and set on foot (again) the religious duties such as Agnihotra etc. Thus the objection stated above does not attach itself here. 35

Dharma set on foot again by the eighty-eight thousand sages in the Pitṛiyâna.

(p) "(The three constellations known as) Hastâ, Chitrâ and Visâkhâ (form) Ajavîthî."—GARGA cited by APARÂRKA. He also quotes KASYAPA who says that the constellation of Sravaṇa and the two next to it form Ajavîthî.

(q) Agastya is a star now known as Canopus.

(r) I. viii. 23. Buhler's translation is altered in the light of HARADATTA's commentary and is also made to suit the present reading.

322. And more:

CLXXXVII. A similar number of sages occupy the celestial region between the Sapta-Ṛiṣis and the Nâgavîthî, and being free from all occupations,

CLXXXVIII. And possessing austerities, Brahma- 5 charya, avoidance of company, and retentivity go and stay there so long as the deluge of the world lasts.

Sapta-Ṛiṣis ('the seven sages'—the Ursa Major) are well known, and Nâgavîthî (s) (is) the path of Airâvata. Occupying the celestial region situated in the midst of (the expanse between) them, a similar number of 10 sages, (that is, sages) numbering eighty-eight thousand, being free from all occupations, (that is to say,) occupied in (matters of) Knowledge and nothing else, possessing austerities and Brahmacharya, and likewise devoid of company stay (there) so long as the deluge of the world lasts, (that is,) so long as the 15 Pralaya that has set in continues. And having stayed there, (they come) to set on foot the Dharmas pertaining to the Supreme Soul at the beginning of creation.

Another group of 88,000 sages.

323. (He now) says what sort of sages they are:

CLXXXIX. (They are the sages) from whom the 20 Vedas, the Purâṇas, the Vidyâs, the Upaniṣads likewise, ancient anecdotes, the Sûtras, Bhâṣyas, and whatever other (knowledge taught by) means of words (are again propagated).

From the groups of the sages which are of both kinds (described 25 above), the Vedas as well as the Purâṇas, the Vedâṅgas, and the Upaniṣads which are certainly imperishable, are transmitted through a series of students and flourish; and likewise the ancient anecdotes of the nature of stories told; the Sûtras found as grammar, Mîmâṃsâ, (and so on); the 30 Bhâṣyas (t) which are of the nature of commentaries on the Sûtras; and also that, such as Âyurveda and the like, which,

Those sages bring back the eternal knowledge to the world after the deluge is over.

(s) "GARGA describes Nâgavîthî thus: "Kṛittikâ, Bharaṇî, and Svâtî (constellations) are described as Nâgavîthî." But DEVALA (has thus): "All the three constellations beginning with Aśvinî (are) beginning with Nâga and ending with Dahana." The meaning is this: Each of the three constellations beginning with Aśvinî have nine Vîthîs ('paths') beginning with Nâga. They are Nâgâ ('pertaining to a snake'), Gajâ ('pertaining to an elephant'), Airâvatî ('pertaining to the elephant Airâvata), Ṛiṣabhâ ('pertaining to bear'), Gau ('pertaining to the cow') Jaradgavî ('pertaining to an old beast'), Mṛigî ('pertaining to a deer'), Ajâ ('pertaining to a goat'), and Dahanâ ('pertaining to fire')."—APARÂRKA.

(t) "*Sûtrârtho varṇyate yatra padaih sûtrânusâribhiḥ, Svapadâni cha varṇyante bhâṣyaṃ bhâṣyavido viduḥ,*" those well versed in the Bhâṣyas recognize that that is the Bhâṣya wherein the meaning of the Sûtra is explained by words suited to the Sûtras, and also the terms it (itself) employs.

being other than these, are couched in words. The sages from whom (all these start) are of that nature and by them the Dharma is set on foot (again). This being so there is no question of the defect of being destructible even (in the case) of the Vedas.

SECTION XVIII.—THE REALIZATION OF KNOWLEDGE ETC. AND ÂTMAN. 5

324. What next? (The sage) (anticipates this) and says further:

CXC. The reciting of the Vedas, sacrifice, Brahmacharya, austerity, self-restraint, faith, and independence (become) the means of the knowledge of ÂTMAN. 10

It thus becomes proper that when there is eternity of the Veda, the reciting of the Vedas and the rest (conducted) on its being the authority, become the means of knowing the ÂTMAN through effecting the purification of (one's) mental propensity. 15

The reciting of the Vedas etc. become the means of the knowledge of ÂTMAN.

325. And more:

CXCI. Indeed, in this way, He should certainly be discriminated by all the Âśramas while by the twice-born He should be realized, and reflected over, and listened (facts) about. 20

CXCII. Those twice-born persons who, resorting to the forests and being full of all-surpassing faith, meditate upon this Reality in this manner, attain (Him).

For the reason that the Veda has become the settled authority on the ÂTMAN, therefore, this (ÂTMAN), in the manner described, should in 25 various ways be discriminated by those belonging to every order of life. He points out that very way: By (those who are) twice-born (He) should be realized, (that is,) perceived directly. He points out the means in that (connection) by saying that He should be 30 listened (facts) about and reflected over. First (He) must be determined by listening to the Vedânta, thereafter He should be reflected over, (that is,) should be inquired into by reasonings, and then He becomes directly perceptible by meditation. Those twice-born persons, who, being full of excessive faith and occupying a place of solitude, meditate, in the 35 manner described above, upon this ÂTMAN, (who is) Reality and has become the Highest object (to be sought), attain, (that is,) obtain (or) reach, the ÂTMAN.

The ÂTMAN should be listened (facts) about, reflected over, and meditated upon.

326. (He now) describes the celestial path (conducting) to the path of Mokṣa:

CXCIII. In order they attain (the presiding deities of) fire, the day, the bright half of the lunar month, likewise the northern passage of the sun, the celestial 1 region, the Sun, and the lightning as well.

CXCIV. Thereafter having approached (them), the Mânasa Puruṣa renders them fit for the region of Brahman; and to such (beings) coming back again here there is none. 10

Gradual transmission towards Mokṣa and the final throwing off of the Liṅga body.

Those who have understood the ÂTMAN do, in (is) the order, shelter in the abodes of the presiding deities of the fire and so on that form the path of Mokṣa, and being sent further by them, reach the Highest Destination. Fire, (that is,) Vahni ('fire'), the day, (that, is) Dina ('day'), the bright half of 15 the lunar month, likewise the northern passage of the sun, the abode of the gods, the Sun, (that is,) Sûrya ('sun'), and lightning, (that is,) a form of fire,—those who in this order have passed through the abode of the (god of) fire and so on, Mânasa Puruṣa renders them fit for the region of Brahman. To such there is no coming back here again, 20 (that is,) into this cycle of births and deaths, but at the time of the final re-absorption of Prakṛiti, they throw off their Lingâ ('subtle') bodies, and become one with the PARAMÂTMAN.

327. (He now) describes the Pitṛiyâna ('the path of the manes') referred to above: 25

CXCV. Whoever have, indeed, won the heaven by sacrifice, austerity, and (making) gifts, the (deities of) smoke, night, the dark half of the lunar month, also the southern passage of the sun,

CXCVI. The abode of the manes, the moon, the 30 air, the rain, the water, and the earth,—(these) in order they reach in this world, and enter again too (the Saṃsâra).

CXCVII. He who does not (try to) understand this twofold path in being self-possessed, becomes a snake, 35 or a Patanga, an insect, or even a worm.

Those, again, who by sacrifice, gift-making, and austerities become the enjoyers of the merit of heaven, they reach in order the deities presiding over the materials commencing with smoke and ending with the moon, and reaching once more, again, the air, rain, water, and earth, obtain 5 the conditions of semen by means of food such as rice, and get into the womb of those that are bound by the cycle of births and deaths. He who being careless does not understand this twofold path, (that is to say,) he who does not observe the practice of Dharma that becomes the means of (conducting to) these two paths, becomes a snake, (that is,) a serpent, a 10 Patañga, (that is,) a hopper known as Śalabha, a worm, or even an insect.

Those who have enjoyed heaven etc. come back to the Saṃsâra.

SECTION XIX.—THE MEDITATION.

328. (The sage now) describes the manner of meditation:

CXCVIII. Having the feet turned upwards and placed upon the thighs, placing the (raised) right hand 15 on the left, lifting the face slightly up, making the chest motionless as well,

CXCIX. Having closed the eyes, remaining in a Sattva condition, without touching the teeth (in one row) by the teeth in the other, keeping the tongue fixed 20 to the palate, having closed the mouth, staying completely motionless,

CC. Having mastered the group of the sensory organs, having a seat neither too low nor two elevated he should begin to perform a Prâṇâyâma double or even 25 treble (in nature).

CCI. Then that Lord who is centered in the Hṛidaya like a lamp should be meditated upon, and that wise man accurately performing the Dhâraṇâ should concentrate the ÂTMAN also there. 30

He who has asssumed the posture of Padma ('lotus')- ('lotus posture')—is so described because he (should be one) having the feet raised and placed on the thighs; likewise placing the raised right hand on the raised left hand; slightly lifting the face up; making the chest motionless, 35 (that is,) keeping it firm and erect; likewise having the eyes closed; remaining in a Sattva condition, (that is,) being free from desire, hatred, and so on; without touching by the teeth (in one row) the teeth (in the

The mode of Yogic meditation.

other); likewise being one thus described as keeping his tongue motionless in the palate; likewise having his mouth closed, (that is,) having shut his mouth; staying completely motionless, (that is,) having no sort of motion; likewise having detached well the group of sensory organs from (their corresponding) objects; and having neither a seat too low nor a seat too elevated, (that is,) sitting in such a manner as will not (bring out) a divergence of the mind, he should commence the practice of a double or treble Prâṇâyâma.

Then that Yogin who has brought breathing under control, should meditate upon that LORD, who, motionless, is centred in the Hṛidaya like a lamp. And even then he should so hold the ÂTMAN in the Hṛidaya as He is being felt, (as it were,) by the mind. He should also accurately perform Dhâraṇâ.

Dhâraṇâ is a set of three Prâṇâyâmas.

329. And the nature of the Dhâraṇâ (is this): The time occupied in making a snapping sound by moving the ends of the knees (together) (*tt*) is called a Mâtra, and the Prâṇâyâma performed in fifteen such Mâtrâs is a Prâṇâyâma of the last (order), (that performed) in thirty (such) (is) a Prâṇâyâma of the middle (order), and (that performed) in forty-five (such) (is) a Prâṇâyâma of the highest order. And three such Prâṇâyâmas (make) one Dhâraṇâ. Three such (Dhâraṇâs make one,) what is termed, (a unit of) Yoga, and those (Dhâraṇâs) should be performed accurately. It is thus said in some other (work): "The tip of hand should be suddenly moved and snapping made on the region of the knee. (The time occupied for doing so is called a Mâtrâ). (That performed) in fifteen Mâtrâs is declared to be a Prâṇâyâma of the last order. That of the middle order is double that, and treble that is of the highest (order). Likewise by every three (of that is) a Dhâraṇâ (constituted), and similarly (thrice that is a unit of) Yoga.

330. (The sage now) describes the benefit resulting from the practice of Yoga consisting of Dhâraṇâs:

CCII. Invisible nature, recollection, splendour, sight, quality of perceiving sounds -likewise, entering of another's body leaving his own body,

CCIII. And the creating of objects at pleasure are characteristic features of success in Yoga. When the Yoga is successful it is conducive to immortality when one leaves the body.

Invisible nature, recollection, etc. indicate success in Yoga.

The quality of not being seen by others by obtaining extreme subtle nature is called invisible nature. Recollection (is) with regard to matters which are past the organs, as for example, the recollection which MANU and others had (to be able to state facts that existed in long gone ages).

(*tt*). S. omits 'by moving the ends of the knees (together).'

Splendour (is) comely appearance. Sight (is) with regard to matters past and future. Likewise the quality of perceiving sounds (is) the quality of being able to perceive even such sounds as, on account of their being caused in a place (separated from an) extremely long distance, fail to reach the ear. This, (namely,) the entering into another's body by leaving his own body, and the creation of objects at one's own pleasure without requiring the causes thereof, is a characteristic feature, (that is,) indication of success in Yoga. 5

Nor is the benefit only thus much, but when Yoga is successful it is, when one leaves the body, conducive to immortality, (that is,) (one) becomes fit even to the attainment of the condition of BRAHMAN. 10

331. (The sage) speaks of a different means to (attain) purity of mental propensity when sacrifices, making gifts, etc. are not possible:

CCIV. Or else, even studying the Veda, giving up religious rites, living in a forest, eating (what he gets) without asking for, and eating but moderately, one can obtain the Highest Success. 15

An alternative course.

Or else, even having given up the (religious) rites, (whether ordained for being) performed with a desired object or (actually) prohibited, studying the Veda, habituated to solitude, eating moderately (what is got) without asking for, and (thus) attaining the purity of mental propensity, does obtain, by meditating upon the ÂTMAN, Success of the Highest (nature), (that is) characterizing Mokṣa. 20

332. And more: 25

CCV. (One who takes) wealth (that comes to him) by right means, is devoted to the knowledge of Reality, likes the (hospitable treatment of) guests, performs the Śrâddhas and is a truth-speaker is, indeed, liberated though a householder. 30

Other means of salvation.

Indeed, (that is,) wherefore, one who, though a householder, is one who earns money by rightful means as accepting gifts from noble persons, is well devoted to the honourable treatment of the guests, and is well given to the performance of Śrâddhas compulsory as well as occasioned by special circumstances, does obtain Mokṣa, therefore, the embracing of Sannyâsa itself with regard to the worldly affairs is not the only means of salvation. 35

CHAPTER V.

ON PENANCES.

A.—OPEN PENANCES.

SECTION I.—THE RIPENING RESULT OF ACTIONS.

333. Among the six kinds of Dharmas that were proposed to be expounded in connection with (the request of the sages, namely,) "Expound to us, without omissions, the Dharmas relating to the Varṇas, the Aśramas, and the rest" (I. 1), (the sage YAJÑAVALKYA) expounded the five sorts of Dharmas, and now intending to begin (to expound) the remaining group of the Dharmas occasioned (by special circumstances) and denominated by the word 'Prâyaśchitta' ('penance') starts to describe, for the purpose of making an introduction in the beginning and also for the purpose of describing the attributes of those that are bound to undertake it, the ripening results of the actions in the form of an Arthavâda(u):

Introduction to the Chapter on Penances.

CCVI. Having passed through hells, terrible and extremely agonizing, consequent upon their mortal sins, the mortal-sinners are repeatedly born in this (world) after their (evil) deeds are exhausted.

To the group of five sins, the Brâhmaṇa-slaying etc., that the name of 'mortal sin' (is given) will be pointed out in the (text), "A Brâhmaṇa-slayer, a drinker of liquor, etc." (III. 227), and those who are effected by

(u) The following succinct passage from Mr. K. L. Sarkar's book may be noticed with advantage: "An Arthavâda is a statement connected with a Vidhi, without adding to it or detracting from it. It may explain the reason of a Vidhi, it may illustrate it, it may expatiate on the benefit of it, or it may present its effect in a tempting form to those who may not catch the spiritual value of it. Roughly an Arthavâda may be called an explanatory or illustrative text, or a text in the nature of a recital or preamble. According to our modern legal ideas, an explanation or illustration can never be allowed to control the words of an obligatory rule. JAIMINI also emphasises that principle. JAIMINI maintains that if you take an Arthavâda as adding to a Vidhi, then it becomes a separate additional Vidhi itself. And also if you understand it as detracting from a Vidhi, then it becomes a separate conflicting Pratiṣedha Vidhi (negative command), the one neutralizing the other. He would not allow this so long as the text was capable of being construed as an Arthavâda. But an Arthavâda, though it cannot be allowed to interfere with the force of a Vidhi, is yet useful, as JAIMINI explains to facilitate the understanding of a Vidhi and its application and is thus its concomitant." (pp. 37-8.)

The mortal-sinners pass through terrible hells and are repeatedly born in this world.

such sins are called 'mortal-sinners'. Those get into Tâmisra and the like hells which are the consequences of their mortal sins; which are determined (to suit the individual cases) according to the nature of the evil deeds they themselves have committed; which are terrible, 5 (that is,) striking one with terror in (the matter of) giving rise to pain extremely excruciating; and which are extremely agonizing, (that is,) the abodes of enjoying sorrow and nothing else; and after their (evil) deeds are exhausted, (that is,) after the ending of enduring the misery in the hells brought about by their (own) deeds, are born, the (effects of) Karman continuing 10 still, repeatedly, (that is,) over and over again, in this Saṃsâra in the womb of beasts, such as a dog, a jackal, etc., abounding in excessive misery.

The use of the term 'mortal-sinners' is to indicate by synecdoche even the other (sorts of) sinners, those who have committed minor sins etc., for it will be pointed out that they too pass through the wombs of 15 beasts, etc.

334. Having laid down that the mortal-sinners get connection into Saṃsâra, (the sage) says by way of describing (certain) particular (births) with regard to it:

CCVII. A Brâhmaṇa-slayer enters the womb of a 20 deer, a dog, a pig, or a camel. One who drinks Surâ (enters the womb) of an ass, a Pulkasa, or a Vena (*uu*) and there is no doubt about it.

CCVIII. He who steals the gold (of a Brâhmaṇa) gets the birth of worms, insects, and hoppers. And he 25 who violates his Guru's bed the condition of grasses, shrubs, creeping plants in order.

Deer are antelope and the like, and the dog, the pig, and the camel are well known. A Brâhmaṇa-slayer, on account of the continuation of (the effects of) his own deeds gets (a birth in) the womb of these animals. An 30 ass (is what is known as) Râsabha ('ass'), a Pulkasa is one born of a Śûdra woman by (that) Niṣâda who is a Pratiloma; and a Vena is he begotten by a Vaidehaka on an Ambaṣṭhî woman, and he who drinks Surâ obtains (a birth in) the wombs of these. Worms are those that appear in 35 flesh, fæces, cowdung, etc. (and that come to exist) without any necessity of coition of the beings of their own sort (for their reproduction); insects are slightly bigger than those (worms), are devoid of backbone, and are (for example) ants etc. (*uuu*);

A Brâhmaṇa-slayer is born as a deer etc.; a drinker of Surâ as an ass etc.; a thief of gold as worms; and a violator of his Guru's bed as reeds etc.

(*uu*) N. reads *Veṇa* and so does G.

(*uuu*) S. has *sajâtîyasambhogarahitâḥ*, those that do not require coition of the beings of their own kind (for their reproduction), additional.

and hoppers (referred to here) are what are called Śalabhas ('insects that fly to the fire and die'); and he who steals the gold of a Brâhmaṇa gets the (birth in the) wombs of these. Grass is Kâśa and other (kinds of grasses), and shrubs and creeping plants have already been described (under one of the foregoing verses). He who violates his Guru's bed does in order obtain the conditions of their sort. 5

335. And this refers to the case where the act is committed unintentionally, but when the act is committed intentionally, (the sinners) pass through even other wombs full of more suffering. Thus says MANU: "A Brâhmaṇa-slayer enters the wombs of dogs, pigs, donkeys, camels, cows, horses (*v*), deer, birds, Chaṇḍâlas, Pulkas, etc. A Brâhmaṇa who drinks Surâ (*vv*) enters (the wombs) of worms, insects, Pataṅga hoppers, birds that pick out their food from the midst of ordure, or even animals that are ferocious. A Brâhmaṇa who is a thief (of a Brahmaṇa's gold) (gets) thousand times (the wombs) of Lûtas, snakes, Saratas, animals aquatic and ferocious, and Piśâchas (*w*)" (XII. 55-7). 'Lûta' (in the above verse means) a spider, and Sarata is a lizard. "He who violates his Guru's bed (gets) a hundred times (the from) of grasses, shrubs, creeping plants, carnivorous (animals), beasts with fangs, and those habituated to cruel deeds" (XII-58). 10 15 20

Other wombs of more suffering to sinners who commit the act intentionably.

336. And next (*x*):

CCIX. A Brâhmaṇa-slayer is born with wasting disease, a drinker of Surâ with black teeth, a thief of (Brâhmaṇa's) gold with bad nails, and a violator of his Guru's bed with bad skin. 25

CCX. Whoever associates with any (one) of these, he is born with those (very) symptoms (mentioned with reference to his particular case).

Thus having endured terrible sufferings in the (dreadful) hells called Raurava, etc., and also in the bodies of dogs, pigs, asses (*xx*), and so on, then (those mortal-sinners), on account of the (effects of) sin that is still left, become possessed of symptoms of wasting disease etc. at the very 30

(*v*) Another reading is *gojâvi*, cows, goats, sheep.

(*vv*) S. has, curiously enough, *steno vipraḥ sahasraśaḥ*, a Brâhmaṇa who is a thief of a Brâhmaṇa's gold etc., even here. It does not correct the mistake either in the errata.

(*w*) Spirits preying upon flesh.

(*x*) D., G., and N. have this preamble here: "(The sage now) says that in those who have thus passed through the condition of beasts etc., there are indications of diseases etc. when they are (at last born again) as men."

(*xx*) S. notices a reading which omits 'asses.'

time of their (future) birth, and pass mostly (y) through the bodies of men. A Brâhmaṇa-slayer is (born) with wasting disease, (that is,) with consumption. He who drinks (that) liquor (which is) prohibited (to him) has black teeth by nature. He who steals a Brâhmaṇa's gold possesses diseased nails. A violator of his Guru's bed will have bad skin, (that is to say,) leprosy.

Congenital diseases with which mortal-sinners are born when they are at last born as men.

If a man lives in close association with any one of these, the Brâhmaṇa-slayer and the rest, he is born with such symptoms (of disease) as are mentioned (with reference) to his (case).

337. And more :

He who steals (cooked) food becomes dyspeptic, and he who steals words (of learning) dumb.

CCXI. He who adulterates grains (is born) with redundant limbs, an informer with a foul-stinking nose, he who steals oil (becomes) a cockroach, and a calumniator (has) stinking breath.

He who steals cooked food (is born) dyspeptic, (that is,) unable to digest (his) food. He who steals words (of learning) is one who studies the Vedas without the permission (of the Guru), or even he who steals books, and such a one is born dumb, (that is,) with defective organs of speech. He who adulterates grains (is born) with redundant limbs, (that is,) with six fingers and so on. An informer is one who habitually declares the (actually) existing faults of others, (and he is born) with a foul-stinking nose, (that is,) with a nose from which disgusting smell comes out. He who steals oil becomes a cockroach, which is a kind of insect (z). A calumniator is he who proclaims the supposed faults of others (and such a one) is born with a stinking mouth.

Close connection between a theft and the corresponding disease of future birth.

And it must be noticed that this is at a time when the human body is attained after passing through the condition of beasts (and so on). For says the text of MANU : "A man who forcibly robs another of his wealth whatever it is, or eats sacrificial food (of) which (no portion) has been offered, does inevitably become a beast" (XII. 68).

Sinners are born first as beasts and then as diseased men.

(y) S. notices a reading *pravareṣu*, principal or chief (?) [*N. B.*—The idea may be that if they get high births they will be afflicted by these diseases].

(z) The introduction as well as the conclusion of the verse must show that all these defective births among mankind are after passing through the wombs of lower animals. But it is hard to understand how there can come a topic of a life of an insect in the midst of a topic pertaining to human births. APARÂRKA too has the same view.

338. And more :

CCXII. One who has stolen the wife of another or robbed Brâhmaṇa of his wealth, is born a Brahma-Râkṣasa in a forest devoid of water.

He who steals another's wife or steals the property of a Brâhmaṇa 5 other than gold is born in a forest, land where there is no water, as a Brahma-Râkṣasa, (which is) a particular kind of spirit.

One is born a Brahma-Rakṣasa for adultery with another man's wife.

339. And more :

CCXIII. He who steals the gems of another is 10 born among the lower varieties, he (who) has stolen vegetables consisting of leaves (is born) a peacock, and (he who) has stolen fine perfumes a musk-rat.

He who steals the gems, etc. belonging to another is born in 'Hînajâti' ('lower variety'), (that is to say,) a variety of bird called Hemakâra. 15 Just so has MANU : "A man who out of greed has stolen gems, pearls, and corals, and (any of) the various kinds of precious stones is born among Hema-kartṛis" (XII-61). (One who has) stolen vegetables consisting of leaves (is born) a peacock. Having stolen fine per- 20 fumes (one) is born a musk-rat called Râja-duhitṛi (' king's daughter').

Birth as birds for stealing gems, vegetables consisting of leaves, and perfumes.

340. And more :

CCXIV. He who steals grain is (born) a rat, (he who steals) a vehicle a camel, (he who steals) fruit a monkey, (he who steals) water a water-bird, (he who 25 steals) milk a cow, (he who steals) household tools a mason-wasp.

CCXV. (He who steals) honey a fly, (he who steals) meat an eagle, (he who steals) a cow a Godhâ ('iguana'), (he who steals) fire a crane, (he who steals) cloth a white- 30 lepper, (he who steals) articles of taste a dog, and (he who steals) salt a cricket.

(He who steals) grain (is born) a rat. (He who) steals a vehicle (is born) a camel. (He who steals) fruit (is born) a monkey. (He who steals) water (is born) a water-bird, (that is,) a bird called Śakatavila. 35 'Payaṣ' (used in the original means) milk, and 'Kâka,' a crow. Household tools (are) pounding rod etc., (and he who has) stolen such (is

born) a mason-wasp (also) called Varâta (*a*). Having stolen honey (one is born) a fly, which is a kind of insect. Meat is flesh, and having stolen (that) one is born a bird called 'Gṛidhra,' an eagle. (He who has) stolen a cow (is born) a Godhâ ('iguana'), a kind of animal. (He who has) stolen fire (is born) 5 a bird called crane. (He who has) stolen cloth (is born) a white-leper. Having stolen the articles of taste (such as the juice of sugar-cane etc., (one is born) a Sârameya, a dog. (And he who has) stolen salt (is born) a cricket, which is an insect singing with a loud noise.

Birth among birds and insects for other thefts.

341. Having thus said something for the purposes of illustration, 10 (the sage) says, as it is impossible (to narrate what births one may get) for (stealing) every kind of articles, to point out the ripening result of actions resulting from a particular cause:

CCXVI. This has been stated by me for the (purposes of) illustration, and just as (are) the natures of the 15 articles (with regard to the acts of theft), exactly corresponding indeed (are the) births (of the thieves) among animals.

With reference to an act of stealing whatever the nature is of the articles that are stolen, exactly corresponding births among animals those 20 who steal attain, and (it is) as, (for example,) he who steals bell-metal (is born) a swan. Or whatever is the use to which a thing he steals can be put, (he is born) devoid of the means for (enjoying) that (benefit), and, for example, he who steals a horse (is born) a cripple. 25

A birth among animals is corresponding to the nature of the article stolen.

342. Certain details have been noted by ŚAṄKHA: "A Brâhmaṇa-slayer (is born) a leper; he who steals a metal (is born) a Maṇḍalin ('one who suffers from a kind of disease resembling leprosy'); he who reviles the gods and Brâhmaṇas (is born) without hair on the head; he who administers poison or is an incendiary 30 (is born) mad; he who opposes (one's own) Guru (is born) with falling sickness; he who slays a cow (is born) blind; he who abandons his wife who is his associate in Dharma and associates himself with another woman (is born) a Śabdavedhin, which is a kind of animal; he who eats the food of a Kuṇḍa ('one born 35 of adulterous intercourse of a wife who has her husband living') (is born) a procurer; he who steals the property belonging to the gods or Brâhmaṇas (is born) with white leprosy; he who steals the deposit (kept with him is born) blind of one eye; he who lives by prostituting his wife (is born) an impotent; he who abandons his young wife (is born) with suffering in his 40 genital organ; he who partakes of dainties, alone, (is born) a rheumatic; he

Certain details of ripening results of actions as mentioned by ŚAṄKHA.

(*a*) There is another reading, *chataka*.

who eats forbidden (food) (suffers) from goitre; he who has illicit intercourse with a Brâhmaṇa woman (is born) without virile powers; he who does forbidden deeds a dwarf; he who steals cloth (is born) a Pataṅga insect; he who steals a bed (is born) a Kṣapaṇaka; he who steals a conch or oysters shells (is born) a Kapâli ('a wearer of the head-bone); he who steals light (is born) an owl; he who does injury to a friend (is born) consumptive; and he who reviles his parents (is born) lame (b)."

Other details given by GAUTAMA.

GAUTAMA also gives (certain) particulars with regard to some cases: "He who speaks falsehood (will be born) a stammerer, one whose voice is checked every now and then; he who abandons his wife (will have) dropsy; he who gives false evidence will have elephantiasis, (that is, born as) one whose shanks and feet are swollen; he who creates an obstacle to a marriage (will have) hare-lips; he who assaults others (will have) defective hands; he who kills his mother (will be born) a blind man; he who has adulterous intercourse with his daughter-in-law (will have) swellings in the testicles; (he who has) passed urine and fæces on a cross-road will have painful discharge of urine; he who defiles an unmarried woman (becomes) a eunuch; he who is charged with jealousy (is born) a mosquito; he who quarrels with his father (will have) falling disease; he who steals a deposit (will have) no progeny; he who steals a gem (will have) extreme poverty; he who sells learning (becomes) a male deer; he who sells Vedic knowledge (becomes) a tiger; he who conducts the sacrifices of many people (becomes) a water-bird; he who conducts the sacrifice of the unfit (becomes) a pig; he who goes to dine (at others) without being invited (becomes) a crow; he who partakes of dainties, alone, (becomes) a monkey; he who eats in (the houses of) all (without any regard to principles becomes) a cat; (he who has) burnt down a forest abounding in dry trees (becomes) fire-fly; a pedagogue (will have) foul breath; he who (habitually) eats stale food (becomes) a worm; he who takes things not given becomes a bull; he who has envy (becomes) a bee; he who allows his Sacred Fires to extinguish (becomes) a sufferer from Maṇḍala-leprosy; he who is the preceptor of a Śûdra (becomes) a Śvapacha; he who steals a cow (becomes) a snake; he who steals oily substances (becomes) consumptive; he who steals cooked food (c) (becomes) dyspeptic; he who steals knowledge (becomes) dumb; he who (has) had adultery with a Chaṇḍâla woman or a Pulkasa woman (becomes) a huge serpent; he who approaches a female ascetic (is born) a Piśâcha in a desert land; he who approaches a Śûdra woman (becomes) a large worm; he who approaches a woman of his own caste (becomes) poverty-stricken; he who steals water (becomes) a fish; he who steals milk becomes a heron; he who takes a usurious (rate of) interest (becomes) defective of limbs; he who sells things forbidden to be sold becomes an eagle; he who approaches

(b) *Khaṇḍakâra* is the reading in S. and G., and it is also noticed by N.

(c) N. has a reading *âśâ*.

a king's queen (becomes) impotent; he who reviles a king (becomes) an ass; he who commits an unnatural offence with a cow (becomes) a frog; he who studies (the Veda) on the day on which study is prohibited (becomes) a jackal; he who steals another's property becomes a menial servant of others; and he who kills fish (becomes) a dweller in the womb (cc). Thus 5 these (are persons) who never rise to higher regions."

These births are affecting even of women.

343. When there are these causes (bringing about births consequent upon sins) even women enjoy the (results by taking the) form of females among the very births that have been described above. Thus says MANU: 10 "Women also who commit theft (ccc) become guilty (of sin) in the like manner, and they obtain the wifehood of these very creatures" (XII. 69).

This narration is to instil fear to the minds of those who are intent upon performing sacrileges.

344. And this narrating of the symptoms of one's being born consumptive etc. (in a subsequent birth) is to instil fear into the minds of Brâhmaṇa-slayers and others who are 15 intent upon performing penance, and not for the purpose of bringing down the vow (of penance) lasting for twelve years etc. (even in the case) of such as have these symptoms, nor for the purpose of prohibiting intercourse with them. It is indeed so, for a penance is for the purpose of destroying sins. Nor is there any purpose to 20 be served by penance with regard to a sin which had not been destroyed before and has begun to show its effect (in the present birth). Indeed an arrow shot by a bow is not any longer governed by the power of either the archer or his effort (in its course) to hit the mark. 25

Penance cannot remove the effects a sin, unexpiated, has begun to tell upon.

Nor should means to destroy Apûrva(*d*) be had recourse to for destroying (the Karman) the effect of which has already begun to show itself. Indeed by destroying the wheel, the rags, etc. which have been the instrumental causes can there come a destruction of Karaka ('a pot of a particular shape') etc. that have been already produced by them. Nor is it possible to remove one's 30 being born with bad nails etc. which have come by nature. Moreover, defects such as possessing bad nails are indeed the last (traces of the) effect (of sin) (in the case) of one who has endured a series of misery in hells and in animals' births. And with the very appearance of that (bad nail etc.) the destruction of Apûrva(*d*), which had been its cause, is brought about just 35 as the destruction of the Araṇi (itself) by the fire produced by churning it

(cc) This seems to refer to protracted pregnancy where a child is often observed to stay in the mother's womb for some years.

(ccc) S. reads *kṛitvâ* having committed (sins in this manner). It also notices another reading *hatvâ*, having killed, and so also does N. But the reading *hṛitvâ*, having stolen, has the sanction of the context in MANU and also of KULLÛKA.

(*d*) Apûrva here is that 'unseen virtue which is a relation superinduced, not before possessed, unseen but efficacious to connect the consequence with its past and remote cause and to bring about at a distant period or in another world the relative effect.'—Colebrooke. It is in fact a reward which is beyond human control.

out. Therefore, (in such cases) no observing of the vows (of penance) there need be either for the purposes of destroying any (supposed) sin, or for the purposes of (fitting such a person to) social intercourse. Indeed, the righteous do not avoid relations with a person who has bad nails and so on. (The sins) having already been destroyed, even his fitness for social intercourse is an accomplished fact, and hence there is no purpose to be served by observing of the vow (of penance at that stage). 5

Such persons are fit for social intercourse without any penance.

But there is the text of VASIṢṬHA which (says), "He who has bad nails or one who has black teeth must perform a Krichchhra (lasting) for twelve (days and) nights" (XX. 6); and that must be understood as being merely a Naimittika penance pure and simple, as the Kṣamavatî (Iṣṭi) is (*c*), and not intended for the purposes of either destroying the sin or for effecting the fitness of one for social intercourse. 10 15

The text of VASIṢṬHA is simply a Naimittika rule.

345. And more :

CCXVII. Having obtained the results in accordance with their deeds and also the condition of being born as beasts, (the sinners) are born with the lapse of time as the worst of mankind, poverty-stricken, and devoid of good indications (on the body). 20

Having obtained the results such as hell etc. and also the condition of animals in accordance with their deeds, (that is,) in conformity with the sin they have committed and determined by (the nature etc. of) it, they are, with the lapse of time when (their evil) deeds are exhausted, born as men possessing bad (bodily) marks, poverty-stricken, and despicable among mankind. 25

The sinners are at last born as men of low description after passing through hells and animal bodies.

346. And more :

CCXVIII. Thence they are rendered free from sin and are born in high families having (good) enjoyments, possessing knowledge, and blessed with wealth and grain. 30

Thence, (that is,) after they have had the birth as men possessing bad (bodily) indications, are rendered free from sin, (that is to say,) have all their sins destroyed through enduring (misery in) hells etc., and on account of the remaining portion of the meritorious deeds relating to past births are born in high families blessed with (good) enjoyments and blessed with knowledge, wealth, and grain. 35

After this series of lives they are born in high families.

(*c*) Kṣâmavatî is an Iṣṭi performed when the house is burnt down, and if it is performed, it is merely because an occasion has presented itself for its performance and does not mean that the house would be rebuilt thereby.

SECTION II.—THE NECESSITY OF PERFORMING THE PENANCES.

347. Having described the ripening results of actions thus so as to serve as an introduction to the penances, (the sage) now goes on to point out the person who is bound to perform those very ones: 5

CCXIX. A man suffers a fall by not observing what is laid down (to be performed) and by observing what is prohibited, and also by not bringing of the senses under control.

CCXX. Therefore, by such a person should penance 10 be performed here for the purpose of purification. Thus his inner Âtman and also the world is appeased.

A man suffers degradation by not observing what is laid down and by observing what is forbidden.

By the expression "what is laid down (to be performed)" is indicated both the sets of duties, (namely,) those that are necessarily to be performed, as the performance of the Sandhyâ, the 15 (performing of the) Agnihotra, and so on and (are thus) compulsory, and also bathing etc., which are enjoined as occasioned by special circumstances such as the contact of impure (things) and so on. By the omitting of such (deeds) and by the committing of prohibited or 20 forbidden (deeds) such as the drinking of Surâ, and also by the not bringing of the senses under control, a man suffers or endures a fall. That is to say, he incurs the sin of departure (from the rightful course).

A question of redundancy.

348. (Objection 1). Well, even attachment to the sensual pleasures is prohibited by (MANU in the text), "Let him not attach himself, out of 25 desire (for enjoyment), to any sensual pleasures" (IV. 16), and that idea is covered by the very (mentioning of the word) 'prohibited,' and wherefore is it that it is expressly mentioned separately as, "also by not bringing of the senses under control"? 30

Refuted.

(Answer). In connection with this (text of MANU it is thus) answered (to the objection urged). This prohibition of attachment to sensual pleasures is not of a character of being applicable (to all) absolutely, for that mention (occurs) in the midst of the vows of a Snâtaka. And also as there is the governing 35 power of the word 'Vrata' ('vow') in that (connection) by (the text), "*Vratânîmâni dhârayet*, let him take these vows (that follow)" (IV. 13), and also as the word 'Nañ' ('not') is employed, a resolve (which is of the nature) of prohibition of sensual attachments is ordained (for him to take). Thus as it is of either nature, (a prohibition or a resolve,) it has 40 been separately mentioned (afresh).

(Objection 2). Well, whence is (the fact, determined that by omitting to perform the (deeds) ordained, one gets the sin of departure (from the right course)? In the first place, the rule ordaining Agnihotra etc. is of a nature of inducing a man to perform such, and does not introduce (the topic) that there results a sin of departure (from the right course) for not performing such. Indeed (*ee*) that (rule laying down Agnihotra etc.) has its purpose served by merely leading to the inference that by the performance of a (particular sacrifice forming the) topic (of the rule, one of) the aims of life (is achieved); and though it is reason enough (to believe) that one is impelled (with a desire) to do the act by thus much only, yet it does not express any more that the omission to perform such brings in the sin of departure (from the right course). For there are no reasonable grounds to expect it of (a rule) which has exhausted its power. Moreover, even in the case that the absence of reasonable grounds no longer continues and an additional force is given (to that rule itself) so that (the fact of) one's being impelled to do it (as a matter of compulsion) becomes established, then (by parity of reasoning a significance of) additional merit towards the realization of (one of) the aims of life might as well be expected of a prohibitive rule, which serves the purpose of preventing the sin of departure (from the right course) resulting from (doing) an act which has been prohibited (*f*). But that is not (in conformity with) the view of any one.

Objection that the rules laying down Agnihotra etc. are not imperative.

If positive injunctions are made peremptory then the negative ones promise a reward as well.

Well, just as in (connection with) the prohibitive rules all that one should do is to ward off the sin of departure (from a right course) inferred from the Arthavâdas, exactly so even in (connection with) the positive injunctions, wherefore should there not be the warding off of the sin of

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(*ee*) S. notices a reading *hiṃsâ*, cruelty, which, if it has any meaning, must mean a sacrifice involving cruelty to the sacrificial animal.

(*f*) The idea is this: For example, there is the text "He who is desirous of (attaining) heaven must perform a sacrifice." This may tempt a man to perform it, and, nevertheless, it is not peremptory. If one fails to do it, there is no sin of departure from the right 'course.' Hence it cannot be said that by omitting to perform such an act one suffers a fall. It simply tempts a man to do it, and its force ends there, and nothing more can be expected of such a rule that has become ineffectual. Granting something more can be expected of it, then some additional significance will have to be given to it and make it express that one shall perform the act it lays down. If such a thing can be done we can as well add some additional significance to prohibitive rules. If a rule says, "You shall not do it, or you will go to hell," we need not simply consider that all that it says is that one need not attempt such, and there is no reward for thus refraining. On the other hand, according to the argument employed above, we might add some additional significance to this and say, even for refraining from bad act there is some reward. This, however, has not the sanction of any authority, and the whole argument falls through.

departure (from a right course) resulting from the not performing (of a rite) as inferred from an Arthavâda?

(Answer). It is not so. Indeed with reference to Agnihotra and the rest, there are no Arthavâdas of that nature in all cases. Nor is it (valid) to say that this very text of Smṛiti, "A man suffers a fall by not observing 5 what is laid down (to be performed)," stands as a supplementary Arthavâda in all cases. Indeed, with reference to an act which results from the authority of one text, no Arthavâda can possibly come from a different text. Or let (one text) be an Arthavâda (of another text) as both have some sort of syntactical connection, and, nevertheless, it is not 10 capable of producing a different effect which is in the form of a negative fact from a non-performance of (a positive) injunction.

(Objection 3). Well, just as according to the statement of the science of medicine, "In (the case of) fever as well as in (the case of) (chronic) dysentery, fasting is the best treatment," it is understood that 15 fasting which is of the nature of absence of partaking of food can bring about a cessation of fever, let it be so even in the present case (*g*).

(Answer). It is not so. For even here the cessation of fever is not brought about (directly) by fasting, and, on the other hand, it must be understood that it is (effected) by an equalization of the bodily humours 20 brought about by a thorough action of the fire element inside the body when there is an absence of partaking of a meal, which was an obstacle (in the way) of cessation of fever.

(Objection 4). If that is so, what should be said as being the course of this Smṛiti text, "A man suffers a fall by not observing what is laid 25 down (to be performed)?"

(Answer). It is (thus) answered. (That text is stated) keeping in view the sin of departure (from the right course) which is of the nature of putting a stop to one's Adhikâra ('capacity') to such duties as Agnihotra etc. (*h*), and hence there is no defect (with regard to stating it). 30

(Objection 5). Well, how then are to be taken the following texts of MANU which tend to lay down the sins of departure (from the right course) in (connection with the) non-performance of the (acts) laid down (by positive texts)? "A Brâhmaṇa who has fallen off from his duty becomes an Ulkâmukha ('burning the mouth with embers') Preta 35 ('spirit') which partakes of vomitted (food), and a Kṣatriya (who has fallen off from his duty) becomes a Katapûtana ('a spirit with a foul-stinking

(*g*) Here fasting simply consists of a negative act, namely, not partaking of a meal, and the result produced is the cessation of fever, a positive result. The point of the objector is, why should not a negative fact, like the non-performance of prescribed duties, bring about positive results similarly?

(*h*) The direct result of an omission to perform the duties laid down by positive injunctions is a disqualification on the part of the defaulter to those duties in future. Being thus disqualified he does not attain heaven etc.

nose'). A Vaiśya who has fallen off from his duty becomes a Maitrâkṣa-jyotika ('having the eye-sight at the anus') Preta ('spirit') which feeds upon pus, and a Śûdra (similarly becomes) a Chailâśaka (*i*) ('a spirit subsisting upon moths found in cloth')" (XII. 71-2).

(Answer). It is (thus) answered. Just as there is sorrow (to a spirit) which partakes of vomitted food or burns its own mouth with embers, even so (in the case) of this (man), who omits to perform what is laid down to be performed, (there is sorrow) as the aim of life has not been achieved, and thus it is a condemnation of omission (to do a thing which is) laid down (in the Śâstras, and is intended) for the purpose of inducing men to perform (such deeds) and hence (there is) no inconsistency. Or it might be taken that the (attainment of the) condition of Ulkâmukha spirits that feed upon vomitted food and the like (results) are the consequences of worldly attachment, laziness, etc., (conditions) which form the obstacles (in the way) of performing what is laid down (to be performed) and are the results of performing prohibited deeds in a past birth; and, therefore, in no case can a negative thing be productive (of a positive fact).

(Objection 6). Well, in (the case of) one who is bitten by a harlot, a monkey, an ass, or a dog (*j*), one who has been falsely accused, etc., how is it that they are affected by sins of departure (from a right course) as not even one of the causes, such as the omission to perform (a deed laid down) etc., is found there, and how then (comes), in the absence (of a cause), a laying down of the penance?

(Answer). It is answered (thus). On account of this very text which lays down a penance, (which of course is) for the destruction of (some) sin, it is construed that the act of being falsely accused etc.,

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(*i*) In the note (*z*) above, it is noticed that the mention of the life of an insect seems strange when the topic concerned is one relating to re-births among mankind. KULLÛKA makes a similar statement in connection with this word. He disagrees from GOVINDARÂJA who says that 'Chaila is an insect called Chelâśaka ('eating into cloth') and the spirit becomes one that feeds upon it,' and says, 'that is not right, for the topic is one of such beings as are called spirits.'

(*j*) G. and S. give a wrong reading *dṛiṣṭa*, seen, which ought to be *daṣṭa*, bitten. N. gives *dṛiṣṭa* but notices another reading *śvadaṣṭa*, bitten by a dog, in its place. D. however clearly gives *daṣṭa*. See III. 277 and 285, *infra*.

It might be noticed in this connection that the penance prescribed for a dog-bite etc. is not a penance strictly so called, but a medical prescription. 'Penance' just like 'Dharma' has often more significances than one. In the present case, fasting and partaking of ghee is a potent remedy for removing the poisonous germs found in the saliva etc. of those animals. Modern science has proved that these poisonous bacilli become inoculated into the system. Prâṇâyâma which is the remedy prescribed in this case, if properly performed, removes these germs from the body through perspiration. Again it is to be performed in the midst of water so that by the physiological processes of endosmose and exdosmose, water too might get in and bring out those germs that have not yet established themselves in the body.

(mishaps) that occur (in this birth), are the Apûrva ('inevitable result') of sin resulting from practising forbidden deeds etc. in a past birth, and the atonement which had to be done in the form of penance occasioned by that sin is accomplished by this (means). For, independent of human effort, the resulting of sin in the form of an effect is untenable. 5 Nor can sin result in another person on account of the effort present in a harlot or the like, for virtue and vice are necessarily connected (directly) with the doer. Therefore, it is but right (that the sage) has enumerated the threefold cause with regard to penance. Just so has MANU too: "He who omits to perform an act which has been laid 10 down (to be performed), he too who has committed a prohibited (act), and also he who is attached to sensual purposes makes himself liable to the (performance of a) penance" (XI. 44).

Even Pratilomajas have a right to perform penance.

349. The use of (the term) 'Nara' ('man') is to bring out that even (those) Pratilomajas ('those born of prohibited unions in the reverse 15 order of castes') have an Adhikâra ('right') to (the performance of a) penance, for it is possible that even they might violate the duties common (to all mankind), such as non-cruelty and the like.

Penance effects purification both in this world and in the next.

350. Because he is tainted with the sin of departure (from the right 20 course) on account of doing prohibited deeds and the like (reasons), therefore, penance should be undertaken by that person who has done prohibited deeds etc. for the purpose of (attaining) purification both in this world and in the next as well. And this word 'Prâyaśchitta' ('penance') is com- 25 monly (employed) in (the sense of) a particular religious observance occasioned by special circumstances and (performed) for the purpose of destruction of sins. Thus if the penance is performed, his inner ÂTMAN is appeased in being purified, and the world as well is appeased to have social intercourse (with him). 30

Penance should necessarily be performed by one who makes himself liable to it.

351. By saying thus (the following) is pointed out (by the sage): This right for the (performance of a) penance is occasioned (by special circumstances, and even there, the destruction of sin expressed by the Arthavâda is still taken to be necessarily accomplished after the maxim of Jâteṣṭi' 35 (k). Nor should it be wrongly supposed that merely because it is undertaken by one who desires the destruction of his sin, (therefore), it is prescribed subject to the proviso (that one may perform

(k) It is stated that "When a son is born a Vaiśvânara-Iṣṭi consisting of making offerings from twelve pans shall be performed" The Sûtra says, "The result (of a rite) does not reach him for whom the injunction (laying it down) does not (promise it)" (JAIMINI IV. iii. 36). The result of that Iṣṭi being the purification of the son, there is no direct injunction with regard to the father himself. Yet he must not feel that he is not bound to perform it because there is no benefit accruing from it to him, but shall perform it.

it if he has a) desire for it. For it is inferred that it is necessarily to be performed, for undesirable results are stated thus to follow in (case it is) not performed: "Hence penance should always be performed for the purposes of purification, for those who have not made expiations for their sins are born along with despicable indications (on the body)" (*l*). 5

352. (The sage now) points out an evil consequence of not performing the penance:

CCXXI. Men who are steeped in sins and do not perform penances and repent (for their evil deeds) go to painful and dreadful hells. 10

Persons neither expiating nor repentant go to horrible hells.

Persons who are steeped in (sins) produced of violation of the teachings of the Śâstras, and do not repent, (that is,) who do not feel any stinging of the conscience by such thoughts as, 'I have committed an act (of sin) which I ought not have done,' and do not perform the penances 15 (for the purpose of purification) fall into hells (where the misery is) unendurable:

353. (He now goes on to) say in order to give a description of the hells:

CCXXII. Tâmisra ('hell of great gloom') Loha- 20 śaṅku ('hell of piercing on iron spikes'), Mahâniraya ('great hell from which there is no escape') Śâlmalî ('hell of tormenting with thorns of silk cotton trees'), Raurava ('dreadful hell'), Kudmala ('hell full of foul-smelling dust'), Pûtimṛittika ('hell full of bad smelling 25 earth'), Kâlasûtraka ('hell abounding in gallow-halters'),

CCXXIII. Saṅghâta ('hell full of mucus'), Lohitoda ('hell full of blood'), Saviṣa ('hell full of poison'), Samprapâtana ('hell full of precipitous rocks to drop down from'), Mahânaraka ('the chief hell'), Kâkola 30 ('hell full of venomous snakes'), Sañjîvana ('hell where the stay is protracted too long'), Mahâpatha ('hell of unending march'),

CCXXIV. Avîchi ('hell full of dark gloom'), Andhatâmisra ('hells where the eye-sight is rendered 35

(*l*) MANU XI. 53. It may be noted that there being an additional verse between 40 and 43 of MANU, Ch. XI, references often differ by 1.

useless by the darkness'), Kumbhipâka ('hell where the sinners are baked'), likewise Asipatravana ('hell which is a forest of naked swords'), and also Tapana ('hell of scorching heat')—(these) twenty-one (are hells),

CCXXV. (Which) the worst of mankind who are 5 affected by the terrible sins consequent upon mortal sins, and minor sins likewise, attain if they do not perform the penances.

The worst of mankind who are tainted by terrible sins consequent upon the mortal or minor sins and who do not perform the penance (for 10 the purpose of purification) go to one of these twenty-one hells, (which are enumerated) beginning with Tâmisra and ending with Tapana, (which are) defined by their significant names, and (which) have various secondary divisions. 15

The sinners go to one of these twenty-one hells if they have not made expiation.

354. It has been stated that penance should be performed for the removal of the sins contracted, and (the sage now) gives a special (rule) in that connection:

CCXXVI. Whatever sin is (committed) unconsciously that is removed by (means of) penances. But 20 (if that is committed) intentionally, (an expiator) is rendered fit for social intercourse here on (the strength of) the text (relating to it).

Whatever Enas ('sin'), (that is,) sin(-ful act), is committed unconsciously, that is expiated by means of penances the nature of which will 25 be described, and not so (the sins committed) intentionally. But on the strength of the text laying down the penance (even) in that (case), (an expiator) is rendered fit for social intercourse here, (that is,) in this world.

Unconscious sins only are removed.

355. And here as it is commenced by (saying), "Whatever (sin) is 30 (committed) unconsciously that is removed by (means of) penances," the mentioning of (the word) "intentionally," in place where it ought to have been said, "consciously" in contra-distinction (with "unconsciously"), is intended to show that consciousness and intention 35 are of the same importance (in the matter of performing the penances) (m).

Consciousness and intention are the same with reference to penances.

(m) "By the Roman lawyers, Rashness, Heedlessness, or Negligence is, in certain cases, considered equivalent to 'Dolus' that is to say, to intention. 'Delo comparatur.' 'Vix est ut a certo nocendi *proposito* discerni possit.' Changing the

It is so, for, according to (the text), "Whatever (penance) is laid down for (acts) committed unintentionally, twice that should be (observed when they are done) intentionally," penance is only half with regard to acts done involuntarily. Likewise (there is this text), "But if a Śûdra is somehow involuntarily defiled by a Mlechchha, he shall perform three Kṛichchhras, 5 and twice that if it is unconsciously." As in these and other texts it comes (to be) pointed out that, in the case of consciousness or intention, an equal penance has been laid down, they are certainly of the same consequence. Moreover, a voluntary entering upon an act depends upon the consciousness and intention of a particular fact, for it is not possible 10 (that there can be voluntary entering upon an act) in the absence of either of them even. Hence if it is spoken of as "intentionally" it follows that there was consciousness, and also if it is spoken of as "consciously" (that there was) intention, for an inseparable connection exists (between consciousness and intention) (*mm*). Nor should it be said that (con- 15 sciousness and intention) are not inseparably connected with each other, for (it might be seen that) in the case of one who is compelled to do an

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expression, they suppose that rashness, heedlessness or negligence can hardly be distinguished, in certain cases, from intention.

Now this appears to me to be a mistake. Intention (it seems to me) is a *precise* state of mind, and cannot coalesce or commingle with a different state of the mind. 'To intend' is to believe that a firm act will follow a firm volition, or that a firm consequence will follow a firm act. The chance of the sequence may be rated higher or lower; but the party *conceives* the future event, and believes that there is a chance of its following his volition or act. Intention therefore is a state of consciousness." —Austin, Lecture XX.

"Now a state of mind between consciousness and unconsciousness—between intention on the one side and negligence or heedlessness on the other—seems to be impossible. The party thinks, or the party does *not* think, of the act or consequence. If he think of it, he *intends*. If he do not think of it, he is negligent or heedless"—*ibid.*

(*mm*) This important passage has been very badly treated in G. and N. G. reads: *Tayoranya tarâpâye (a) pi tasyâ asambhavâd ataḥ kâmata ityukte jñânâjñanata ityukte (a) pi kamaḥ prâpnoti avinâbhâvât.* It treats this whole as one sentence. The following however is the translation of the various portions of the passage: 'For that it is not possible in the absence of either even; hence whether it is said "intentionally" or whether it is even said as "(half) consciously and (half) unconsciously," there results (that there is) intention; because of the inseparable connection. N. reads almost the same, but in place of the first *ityukte* it has *ityuktam* and has a pause after it. According to it the translation ought to be 'and as it cannot come about in the absence of either of them even, it has been stated as "intentionally." Although it is said as "(half) consciously and (half) unconsciously," (the existence of intention results, because of the inseparable connection. But the reading we adopt in the above translation is this :............*niyatâ,—tayoranyatarâpâye (a) pi tasyâ asambhavât. Ataḥ "kamataḥ" ityukte jñânam, "jñânataḥ" ityukte (a) pi kâmaḥ, prâpnoti avinâbhâvât.* The translation of this of course is given above, and for this reading we are indebted to S. and D., both of which are unanimous.

N. notices another reading *abhâve* in place of *apâye*, but that amounts to the same thing practically.

act by thieves etc., although there is consciousness of the fact (that he is doing the act), yet there is no intention whatever. For although consciousness there exists in this (case), yet, as it does not become the cause of propelling one to the undertaking of an act, it is as good as there were no (consciousness at all). And even in a case where one 5 intends to alight on the dry (ground) but falls into a quagmire by mistake, there is the absence of correct knowledge, and hence there certainly is an absence of desire also of that fact. In the same way, even in the case of no-knowledge and non-intention, there certainly is an inseparableness. 10

356. (Objection 1). Well, it is not right (to say), "The sin is removed by (means of) penances," for, (in that case), the result of an act will have to be destroyed.

(Answer). It is not so. Just as that the sins originate (from certain causes) is learnt from the Śâstras, even so the (fact) that they are 15 destroyed is also (to be learnt from the Śâstras themselves), and thus no other proof need be brought down here. It is with this very view that GAUTAMA, after taking a circuitous course with regard to the pros and cons of the question, points out the following fact: "They consider whether one shall perform penance in that (case) or (need) not 20 perform (it). They say he need not perform it. For the reason is, the deed does not perish (without having its good or bad effect). Others say, it shall be performed. It is understood (from the authoritative texts) that having performed Punas-stoma (*n*), they can return again to (the fitness of performance of) Savana. (And they return again to the fitness 25 of performance of Savanas) by performing a Vrâtyastoma (*nn*). He who performs an Aśvamedha sacrifice, gets over all sins and gets over (the sin) of) Brâhmaṇa-slaying" (III. i. 3-9). The meaning of, "They return again to (the fitness of performance of) Savanas," is that (every one of such) becomes fit for the (performance of) the religious deeds of the twice- 30 born (classes), such as Jyotiṣṭoma etc. that are accomplished with Savana ('the extraction of the juice of Soma').

Nor should it be construed that (the text in question) is but an Arthavâda. If it is desired (to take it) as pointing out the person that should

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(*n*) The Vedic text says, "Having received the Vedas from one from whom it should not be accepted, one shall perform a Punas-stoma sacrifice." One shall get over the (sin of) eating forbidden food or speaking of what should not be said by (performing) Punas-stoma. Those who are tainted with the sin of having accepted gifts from forbidden persons are purified to perform again the religious duties by performing a sacrifice known as Punas-stoma and lasting for a day."—HARADATTA.

S. reads *Punas-soma*.

(*nn*) S. has *Brahmacharyaṃ chared upanayataḥ*, '(after the Vrâtya-stoma) he must have the Upanayana and observe Brahmacharya', extra here. But this does not occur in the Smṛiti as accepted by HARADATTA.

perform (the penance), then after the analogy of Râtri-sattra (*o*) Maxim, it is but right to take the very Arthavâda as an injuction. Hence it is justified to say "The sin is removed by (means of) penances."

(Objection 2). Well, there is no penance (suited) in case where (the act) is committed intentionally, and how can social intercourse be had (with that person)? That there is no such (penance) can be inferred from the (following) text of VASIṢṬHA, "Where the offensive act is committed 5

(*o*) The text says, "*Pratitiṣṭhanti ha vai ya etá rátrir upayanti*". (Mr. Sarkar translates this as, 'That one is to live perpetually is excessively contemplated in the night') (?) The question is whether it is an Arthavâda inducing one to a merit, or an original injunction itself expressive of a result to be achieved. The argument for the objection is this: KÂRṢṆÂJINI holds that it is an Arthavâda indicative of a merit, for all the words employed have the semblance of an Arthavâda and there is no imperative termination. It is like, *Na sa papaṃ ślokaṃ śṛiṇoti*, he does not listen to sinful incidents, (literally). which is to form a vow subservient to the performance of a sacrifice. The argument for the reply is, the learned teacher ÂTREYA, on the other hand, holds that there is a result to be achieved from such observances and it is, therefore, a Phalavidhi, an original injunction expressing at the same time a result to be achieved. Although the result is not expressed in these cases, a clause expressive of the result should be supplied to such as forming the ellipsis. Thus the mentioning of the result which is separated, as it were, from the injunction should be united to it. And the mentioning of what result should it be that it is to be united to it is also settled for the passage '*pratitiṣṭhanti etc.*,' shows that it is Pratiṣṭhâ ('long life') etc. Only the imperative mood is to be expected from other texts. It should not be supposed that because in Dravyasaṃskâra etc., an original injunction becomes an Arthavâda and thus it might be even here, for there it is not possible that they can be original injunctions while they can be Arthavâdas for inducing one to (the acts of) merit. See JAIMINI IV. iii 17-9.

Removing the technicalities, this simply means that though they have no semblance of being original injunctions either in form or in effect they describe, nevertheless, such statements should be taken as original injunctions expressing at the same time a result which an Adhikâri shall achieve.

We quote the following from Mr. Sarkar's book for the purpose of comparison: 'That construction is preferable which is nearer to the literal construction, even though by it you get only a non-obligatory text and not an obligatory one. There is the text:—"That one is to live perpetually is excessively contemplated in the night." Is this text to be interpreted as implying a Vidhi to the effect that one should pray in the night for having a perpetual bodily existence? Says the objector it should be so interpreted. For, says he, the object in view is not really to have perpetual bodily existence but to get heavenly bliss by the maxim called the Viśvajit. The Sûtra, leading to the conclusion is:—"The object is indicated by the principle of proximity," which means that in applying a rule of presumption, that is to be presumed which is nearer in form to a Śruti. Now next to a Śruti is Arthavâda, and next to it is Anuṣaṅga, and next to that is Liṅga. Therefore the passage is to be taken as an Arthavâda expressing the desirability of a long life for performing religious sacrifices.

The above is the exposition of the maxim by UDEECHYA BHATTÂCHÂRYA. He has placed Anuṣaṅga above Liṅga although generally Anuṣaṅga is regarded as a part of the Vâkya principle which is inferior to Liṅga. But the point of the maxim is that better to presume a passage to be an Arthavâda than to be a Vidhi as implied either by Liṅga or Vâkya."—*The Mimâṃsâ Rules of Interpretation*, pp. 287-8.

without any intention, then there is a penance" (XVIII. 1), and also by the text of MANU, "This expiation has been prescribed for unintentionally killing a Brâhmaṇa; but for intentionally slaying a Brâhmaṇa no atonement is ordained" (XI. 89).

(Answer.) It is not (so). For penances have been pointed out even with reference to acts committed intentionally by (this text), "Whichever man commits a mortal sin intentionally, no expiation whatever is observed to have been laid down for him except falling from a precipitious rock or into the fire"; and likewise (by this text), "Whatever (penance) is laid down for (acts) committed unintentionally, twice that should be (observed when they are done) intentionally." But even that text of VASIṢṬHA which (is referred to above) is expressive (of the fact) that when an offensive act is committed unintentionally the penance can bring about purification, and not that there is no penance whatever when it is committed intentionally. And even that text of MANU which (says), "This expiation has been prescribed *etc.*," refers to the (typical penance consisting of) Brahmacharya life lasting for twelve years etc., (a penance) which is referred to by the pronoun 'this.' And by the (other portion of) the text, "But for intentionally slaying a Brâhmaṇa no atonement is ordained," it is (only) a prohibition (of Brâhmaṇa-slaughter that is expressed) and it does not (import the absence) of penance itself, for penances such as ending with death etc. have been prescribed (even in that case).

(Objection 3). Well, if there is a penance even with regard to (an act) committed intentionally, wherefore is it that even the destruction of sin is not brought about? For there is no difference (between the penance in either case). And if the destruction of sin is not brought about at all, then how can his fitness for social intercourse come about?

(Answer). Although the penances are not different in either case, yet difference in their effects is inferred from the (existence of the) Śâstraic texts (to the fact). But if the offensive act is committed unintentionally there is destruction of sin with regard to all matters. But where fitness for social intercourse is prohibited with reference to mortal sins etc. enumerated thus by GAUTAMA, "A Brâhmaṇa-slayer, he who drinks Surâ, a violator of his Guru's bed, he who has connection with the relatives of his mother and father, he who steals (the gold of a Brâhmaṇa), an infidel, he who constantly repeats blamable acts, he who does not cast off persons guilty of a sin causing loss of caste, and he who forsakes blameless (relatives) become outcasts; and likewise those who instigate others to acts causing loss of caste" (III. ii. 1-2). With regard to such acts that are productive of the loss of caste and committed intentionally, there is but fitness for social intercourse (if the penance is performed) and no destruction of the sin. Nor is it impossible that there can be fitness for social intercourse in the absence of the destruction of sin. For sin has a double force, causing of (life in) hell and obstructing (one's fitness

for) social intercourse. Of those two, although the other force is not rendered ineffectual, (yet) it is not unjustifiable (to hold) that the force obstructing (one's fitness for) social intercourse can be destroyed. Therefore, it is not impossible that though the sin is not destroyed, one can be fit for social intercourse. (There is that text) of MANU which says, "Where the sin is committed unintentionally, the learned hold that there is penance; but some (hold) on the evidence of the Śruti texts that there is penance even (in the case) where an act is committed intentionally" (XI. 45); and even that is intended to (express) that there is penance even when the act is committed intentionally, and does not tend to establish the destruction of sin. But with regard to (sins) that do not cause the loss of caste, the destruction of sin does certainly happen by (means of) penances, although they are committed intentionally. For says the text of MANU: "The sin committed unintentionally is expiated by the reciting of the Vedic texts, while that committed intentionally in the folly (of men) by penances of various sorts" (XI. 46). Even with regard to an act which brings down the loss of caste and is intentionally committed, the destruction of sin does certainly come about if the penances ending in death are practised, for there is no other result out of such. For says the text of ÂPASTAMBA, "For him there is no return (into the society) in this world but the sin is destroyed (with death)" (I. xxiv. 25-6) (p).

SECTION III.—THE NATURE AND DIVISIONS OF SIN NECESSITATING THE PERFORMANCE OF PENANCES.

357. It has been said that committing of forbidden (deeds) etc. are causes occasioning penances, (and now the sage) describes it in detail further:

CCXXVII. A Brâhmaṇa-slayer, a drinker of liquor, he who steals (a Brâhmaṇa's gold), and a violator of his

(p) This passage shows that sins are of two kinds, those that bring about the loss of caste and those that do not bring about the loss of caste. With regard to the latter, there is complete destruction of sin with the performance of the penance, whether the act is committed intentionally or unintentionally, and with regard to the former (1) the sin is destroyed by penance if the act is unintentional; (2) the sin is not destroyed by the usual penance if the act is intentional, but there is no obstruction to social intercourse after the penance; and (3) even in the case that it is committed intentionally the sin is destroyed if the penance ending in death is performed.

N. B.—The verse 226, of which this is the commentary, reads *kâmato vyavahâryaḥ*. ŚÛLAPÂṆI and others divide it as *kâmataḥ avyavahâryaḥ*, bringing in an *a* between the two words according to a rule of Sandhi. In that case the meaning would be, a person committing a mortal sin intentionally becomes unfit for social intercourse even after the performance of penance, and the penance in that case has the effect of removing the hell fire only. All others, VIJÑÂNEŚVARA, APARÂRKA, MADANAPÂLA, MITRAMIŚRA, MÂDHAVÂCHÂRYA and NÎLAKAṆṬHA have preferred the other mode of not bringing an *a*, while the Bengal school is otherwise.

Guru's bed likewise,—these are the mortal-sinners and also he who dwells with them.

This (root) *han* is, (according to) the usage, (employed) to (denote) an act depriving (one of his) life, (that is, such an act) as in being committed, the departure of life (from the body of the victim) takes place either immediately after the deed or some other (subsequent) time without the intervention of any other cause.

Definition of slaying.

358. One is (called) a Brahmahâ ('Brâhmaṇa-slayer') if he has slain a Brâhmaṇa. He who drinks liquor is one who drinks a liquor prohibited (to him). He who steals (a Brâhmaṇa's gold) is one who steals the gold belonging to a Brâhmaṇa, for says the text of ÂPASTAMBA, "The stealing of a Brâhmaṇa's gold is a mortal sin." A violator of his Guru's bed is one who approaches the wife of his Guru. By the word 'Talpa' ('bed'), which signifies a bed, is denoted, by synecdoche, a wife on account of the concomitance. These, (namely,) a Brâhmaṇa-slayer and the rest are Mahâpâtakins ('mortal-sinners'). Pâtakas ('sins') are so called because *pâtayanti*, they cause a falling down (from one's right to the Dharma), and are Brâhmaṇa-slaying etc. By the term *mahat*, great, (prefixed to the word *Pâtaka*,) is pointed out the heavy nature of those (Pâtakas), and it means that those who have that (Mâhâpataka in them) are Mahâpâtakins ('mortal-sinners'). The nomenclature is for the purposes of brevity, Whoever dwells with them, (that is,) with those Brâhmaṇa-slayer and the rest respectively, even he is a mortal sinner according to the law that will be laid down (elsewhere), "Also whoever lives with those indeed for one year, even he is equal to them" (III. 261).

The mortal-sinners.

359. The word 'Tathâ' ('likewise'), which expresses sort, is used for the purpose of encompassing the (different kinds of) agents, such as the instigator, the abettor, etc. And he is described (to be an) instigator who restrains an escaping enemy, protects the slayer, and does service to the slayer by fortifying (his courage). It is with this very view that it has been shown by MANU that an instigator (*pp*) has (some) connection with the sinful result of cruel deed: "Of several (persons) who are bent upon doing a deed and all are armed, if one would deal the (mortal) blow all of them are declared to be slayers in that (act)."

Inference from the word 'likewise.'

An instigator is a sharer in the sin.

Similarly it has been stated by ÂPASTAMBA that there is a relation of sinful result even to an abettor and the like: "And they are an abettor, an accomplice, and a perpetrator, and they share (*q*) in the results

The abettor and accomplice too are sharers in the sin.

(*pp*) S. reads *grâhaka*, while the other reading is *anugrâhaka*.

(*q*) N. omits *bhâginaḥ*, those who share.

(conducive) to heaven or hell. Whoever (amongst these) contributes most (to the accomplishment of the deed), the major portion of the result belongs to him" (II. xxix. 1-2).

Of these an abettor is he who sets a man (to perpetrate a deed) who had not set himself to do (the act). He is of three kinds, a director, a solicitor, and a counsellor. Of them the director is described as he who, himself being a superior, sends (*qq*) an inferior, a servant or the like, (with the commission) 'You kill my enemy.' A solicitor (of a deed) is described to be he, who himself being unable to do it, persuades a superior (agent) by requests etc. as, 'You kill my enemy.' Both of these are abettors for the purpose of achieving the purpose they themselves have in view. And a counsellor, on the other hand, is described to be he who persuades another by disclosing the secret vulnerable points etc. and instructing him that he should kill the enemy in such and such a manner. Even to him the result of the sinful deed is the same as is due to the abetted. This is the difference between them.

Three kinds of abettors,—director, solicitor, counsellor.

An accomplice is he who gives an impetus to a man who had already begun to do an act. He is of two kinds, (namely,) one who supports another for the achievement of the view he himself has in mind, and one who supports another for the purpose of (benefiting) another.

An accomplice is of two kinds, one with a selfish motive and one doing service to another.

360. (Objection). Well, how does (mere) supporting become the cause of a crime? For in the first place, it cannot bring about the departure of life (from the body), for that is produced from the act of the direct perpetrator (himself); and, next, (a supporter) is not persuading (another) who requires to be set in motion (*r*) as an abettor does through setting into action the direct perpetrator. Nor should it be supposed that (it is because) he supports one who is already for (doing) the act by saying, 'Well has it been conceived by you,' for such a supporting cannot be the cause of (bringing about the crime), and what is more it is superfluous (*s*).

(Answer). It is answered (thus): Where one, who is dependent on a ruler or the like, and who, although has set his heart upon the deed, has yet grown irresolute in his attempts for fear of not being able to carry through (his task) or out of fear of future punishment, requires the support of such a ruler or the like, there the support strengthens the resoluteness of the perpetrator and, therefore, it becomes the cause of (the supporter's) sharing the sinful results of the crime.

361. Similarly whosoever drives another to the wrath (of suicide) by rebuking, beating, confiscating the property, and so on, even he does

(*qq*) N. has *prerayati*, persuades.

(*r*) D. G. and N. have all *pravṛittasya*, of one who is already in the act. But S. gives the correct reading *pravartyasya*, of which the above is the translation.

(*s*) G. has *vyarthahetutvât*, for (it is) a superfluous cause.

certainly become the cause of crime through exciting the wrath which becomes the cause of killing (one's own self). It is with this very view that it has been stated by VIṢṆU: "If a (Brâhmaṇa) who has been cried down, or beaten, or even deprived of his wealth (would commit suicide), (then) him, on whose account he puts an end to his life, they call a Brâhmaṇa-slayer." Similarly (there is this text): "In (defending) the cause of (his distressed) kinsmen, friends, or wife, or even of his dear relatives or property (if a Brâhmaṇa would die), him, on whose account he puts an end to his life, they call a Brâhmaṇa-slayer."

He who drives another to self-slaughter is an agent in killing.

Nor should it be supposed that because in some person no excitement to wrath does appear in spite of (another's) crying down his merits etc., and, therefore, such things cannot act as causes (of death). For (the mental) constitution of men differs. (Similarly) such (things) cannot but become the causes (of death) because it is seen in some that they get excited to wrath for reasons too trivial in (nature).

Provocation should be sufficient to drive one neither too sensitive nor not at all sensitive to commit suicide.

362. Now with regard to these (persons) an instigator, an abettor, and so on, it should be understood that, inasmuch as the heavy or light nature of the sinful result (that falls to their lot) is governed by their close intimacy or aloofness and also by the heavy or light nature that characterizes (their) act, the penance is also of a heavy or light nature as the case may be. For says the text, "Whoever (amongst these) contributes most (to the accomplishment of the deed), the major portion of the result belongs to him."

The penance of the instigator etc. is to be determined by the heavy or the light nature of their contribution to the crime.

Similarly, as for the instigator, as he himself is set, indeed, in person upon the committing of the crime, though he is an agent in himself, nevertheless, on account of the absence of his being connected with (that particular) act of dealing the blow with the sword etc. which causes the direct result of separation of life (from the body), there is (also) an absence of contributing the major portion to the (accomplishment of the) crime, and (thus) the sinful result as well as the penance (that falls to his lot) is of a light nature. As for the abettor, as he acts as the giver of the impetus to an independent perpetrator, there being no immediate connection, the (share in the) result of the sinful deed is less than that (of an instigator). Among the abettors (themselves), (the share in) the result (of the crime) is light (in the case) of him who acts as the counsellor trying to do so on behalf of others.

Instigator's portion in the crime less than the perpetator's.

Abettor's portion still less.

363. (Objection). Well, it is not right (to hold) that, inasmuch as the abetted occupies the same place as the hand of the abettor, (he has (any) connection with the result (of the deed). If there is any extension (of the result) even to him who acts at the setting of others, then (by the

analogy of reasoning, it follows that (in the case of constructing a tank), there arises the question that even the architect, the tank-digger, etc. who (all) work for payment will (have to) be (regarded as) entitled to the merits of heaven etc. (promised to a charitable construction of the tank).

(Answer). It is (thus) answered. According to the maxim, "The merit prescribed in the Śâstras (goes) to him who employs" (*ss*), (the consecration of an image-symbol of) God, (the digging of) a well (*sss*), the construction of a tank, etc. are productive of such merits as would go to that agent who is the Adhikârin ('claimant to the merits'). And the architect, the tank-digger, etc. are not the Adhikârins in matters of (consecration of an image-symbol of) God, (the digging of a) well, (the construction of a) tank, and so on. For they do not (*t*) aspire (thereby) to the attainment of heaven. But in the present (case), on the other hand, even those who enter upon the act at the abetment of others have still no right to (do) an act of cruelty and hence the sin resulting from their transgression of that (rule) does certainly devolve upon them (*tt*).

(*ss*) This is III. vii. 18 in JAIMINI. It is the first Sûtra of the *Aṅgân'm-anyadvârâ-anuṣṭhânâdhikaraṇa*, or the topic of getting the various factors of an act done by others. It is thus: The Vidhi says, for instance, *svargakâmo yajeta*, he who desires to go to heaven shall perform a sacrifice. A sacrifice has several parts and the question is whether one should discharge every one of those functions personally or whether he might pay for such service while others do them all for him. The argument for the objection is that whoever desires the merit of heaven should do everything himself. The word 'Svargakâma' points out to him alone, and the 'doer of the sacrifice' and the 'enjoyer of heaven' are mutually predicative. Besides the use of the Âtmanepada termination in *yajeta* (etc.) shows that the merit denoted by the predicate should pass to the doer himself (*vide* PÂṆINI I. iii. 72), and thus the whole sacrifice is to be performed by the author of the sacrifice himself. The argument for the reply is that the author of the sacrifice does himself enjoy the whole merits because of his employing others and paying them. If the author should do everything in person, then the rule of engaging others for the purpose would become useless. Hence he shall do the chief part and for all other functions he must pay the fee and engage the Ṛitviks. Thus, directly and indirectly, the master himself gets the whole merit.

(*sss*) S. reads *devakula* instead of *devakûpa*, which we have followed here N. also notices that reading. According to this, '(digging of a) well' in the above translation is to be replaced by '(helping a) family (to establish itself).'

(*t*) S. reads *svargakâmitvat*, and not *asvargakâmitvât*, of which the above is the translation.

(*tt*) One thing might be noticed here. Even with regard to sacrifice there is the killing of the sacrificial animal, and even if one is paid a fee for it, the question is whether the slayer is not tainted by any sin. VIJÑÂNEŚVARA has already answered this question in connection with self-immolation of a woman, I. 86. Though there is cruelty to an animal, yet it is not prohibited if the process does necessitate it, the motive being good. If the motive is bad as in the case of Śyena-sacrifice, a sacrifice the motive for which is hatred and the result the extirpation of the enemies by black spell, it is certainly prohibited though Śâstra prescribes the methods. Again, as illustrated by the topic of Vâyavyaśveta-sacrifice, the right sort of animal is to be sacrificed, and if any animal other than the one prescribed is sacrificed, there is certainly sin. Further

Supporter's portion less than the abettor's.

364. Next, with regard to the supporter the portion of the result (in the deed that comes to him) is less than that of the abettor, for supporting (a crime)* is a factor other than the act of the abettor, and also lighter.

The portion of him who influences the deed is less than the supporter's.

Further, with regard to him who influences the deed, (that is,) who decries one (to the extent that he is driven to commit suicide) etc., there is only an indirect connection with the act inasmuch as that he (only) excites wrath which becomes the cause of the attempt (to commit suicide) and also that he acts his part without contemplating the death (of the party concerned), and hence, he gets only a less portion of the result than the supporter.

365. (Objection). Well, if one who has no direct concern (in it) can still become the cause of an act then, (by the analogy of facts), it results that even the parents must share in the act of being agents to the crime forasmuch as that they beget the person who is the perpetrator (of the crime).

(Answer.) It is (thus) answered: One thing cannot indeed be the cause merely because of its prior existence (as the parent cause of an immediate cause). For it is possible that a cause of (every) cause can similary exist. That indeed is the cause which, in fact, has the force necessary to bring about an effect other than the original condition. In connection with, "If Rathantara Sâman (is sung to finish the Pṛiṣṭa-stotra) in the (midst of a) Soma (sacrifice), (then) precedence should be given to (the holding of the vessels dedicated to) INDRA and VÂYU *etc.*," it is the connection alone (that exists) between the Rathantara Sâman and the (Soma) sacrifice that is the cause of giving precedence to the vessels dedicated to INDRA and VÂYU and, indeed, the Soma (sacrifice) in its original condition cannot be the cause for (giving) that (precedence) (*ttt*),

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as pointed out by Kapiñjala ('partridge') maxim, only as many as are absolutely necessary should be sacrificed and it is a sin to sacrifice more than the necessary number. And last, cruelty may be allowed by the Śâstra as in the case of cow-killing for the Madhuparka purposes, and, nevertheless, if the act is neither conducive to the doer's passage to heaven nor approved by the world shall not be attempted. In the case of butchering animals, the sin of slaughter is shared by eight different persons (*vide* MANU V. 51), for one has no right to ask another to do a wrongful act, nor another to discharge it on the responsibility of his promptor. Hence the above statement.

(*ttt*) This is an Adhikaraṇa called *Grahâgratâyâḥ Jyoṣṭomângatâ*, the topic of giving precedence (to vessels to particular deities) forming part of Jyotiṣṭoma sacrifice, and occurs as II iii. 1-2 in JAIMINI. In connection with Jyotiṣṭoma which is a Soma-sacrifice it is stated, "If Rathantara Sâman (is sung to finish the Pṛiṣṭa-stotra) in the (midst of a) Soma (sacrifice), (then) precedence should be given to (the holding of the vessels dedicated to) INDRA and VÂYU etc.; if Bṛihat-Sâman precedence to (the holding of the vessels dedicated to) ŚUKRA; and if Jagat-Sâman, precedence to (the holding of the vessels dedicated to) Agrayaṇa." The Adhikaraṇa of course proves that this particular act of giving precedence to the holding of certain vessels is not a separate rite but

for that would be a wrong argument. And suffice it to say that the parents too are not possessed of any quality to be a similar cause (in the question of crime).

He who caused a pond etc. to be dug is not affected by sin if one drowns himself in his pond etc.

366. On this very principle, where a pond or a tank etc. is constructed out of considerations of public benefit, if a Brâhmaṇa etc. falls into it by accident and dies, no sin attaches itself to him who caused (the pond etc.) to be dug. For as (in the case of) being decried etc., there is no killing (of one's ownself) for the reason of digging a pond (by another by such considerations as), 'A pond has been caused to be dug by so and so, and, therefore, I am going to kill myself.' Hence even he who caused the pond to be dug is but a cause of a cause (*u*) and is not the cause of the crime to any extent, and thus is as good as the parents of the perpetrator.

One does not make himself liable to killing even if death happens accidentally in his trying to do good.

367. Similarly, although in some cases there exists the attribute of one's being the cause of crime, there is the absence of sin (in him) if he is propelled by motives of doing service to others, for there are texts to the effect. Thus says SAMVARTA: "In restraining a cow with ties for the purpose of treatment and in trying to remove a dead fœtus (from the womb), if death occurs, then there is no penance. When medicine, oil, or food is being given to cows, Brâhmaṇas etc. if death were to occur, that (giver) is not tainted with sin. For those, who would, for the purpose of effecting protection of life, try to benefit by such attempts as branding, incising, or cutting a blood vessel, there is no penance (*uu*)."

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one forming part of Jyotiṣṭoma itself. Here in giving precedence to certain vessels is taken as the act of reference, and then the question is what is the cause there, whether it is one of the Sâmans or the Jyotiṣṭoma too which is the parent cause has anything to do with it. The Jyotiṣṭoma though it is the parent cause is not the actual cause, for the prescribing of it does not necessarily imply that any particular Sâman is to be sung. Now of the three Sâmans if one is taken the other two are excluded, hence the particular Sâman itself becomes the cause of the corresponding precedence. Although that Sâman is sung in the midst of the sacrifice itself, yet it is only that that has all the necessary force to bring about that act of giving a precedence to it. And the choice of any other Sâman but that, although the former might be equally connected with the Soma sacrifice, cannot give rise to that particular act of precedence. Hence the choice of a particular Sâman is in itself the cause of the corresponding act.

For other particulars the Adhikaraṇa itself may be studied with advantage.

(*u*) S. and D. read *karaṇatvam*, (is) a cause.

(*uu*) It is interesting to note that this very passage is again cited in connection with the penances for cow-slaughter, where the reading of the passage is considerably. Several such differences can be noticed. This is, perhaps, due to the fact that our commentators would quote from memory and seldom try to identify the passages they would cite.

And this refers to the case of a physician who is skilled in correctly diagnosing the disease from the symtoms, while in the case of any other, (there is) the existence of guilt as is pointed out in the text, "A physician who feigns (knowledge and wrongly) proceeds (to treat) shall be fined." (II. 242.) 5

A quack is liable in case of death.

368. But even there where one utters the name of another, who never was the cause of decrying etc. which would excite wrath in him (to commit suicide), and, (saying that he would die on his account), kills himself out of frenzy etc., there is no sin (to that man) whose 10 name he utters. For says the text of a Smṛiti: "If a twice-born (person) whosoever would put an end to his own life for no reason whatever, the sin of that (suicide) is his alone, and not his whom he calls (the author of his suicide)."

If one kills himself for some supposed injury from another, the guilt is his own.

369. Similarly even in that case where one, on account of the wrath 15 excited by decrying etc. strikes himself with a sword or the like but is appeased before dying by him who decried (him) etc. with money presents or the like, and is made to hear aloud in the presence of men, then there is no fault on the part of him who had decried 20 and, therefore, there is no sin to him. For texts (exist to that effect). Thus says VIṢṆU, "Where one who had grown wroth on account of another strikes (himself) but is appeased and made to hear again, if he should expire there is no sin to him who had decried if both of them have been made to hear (each other) aloud." 25

He who decries is not guilty of sin if he appeases the suicide before death.

With regard to these also the abettor and so on, by a consideration of the heavy or the light nature of the sin we propose to describe a particular (form) of penance.

370. (He now) describes (the sins) equal to (that of) Brâhmaṇa-slaying : 30

CCXXVIII. Gross censuring of the Gurus, reviling of the Veda, killing of friends, and forgetting of the studied (Veda) are to be known as equal to a Brâhmaṇa-slaying.

Censuring excessively those that are Gurus (is) to accuse them falsely, 35 for says the text GAUTAMA, "An untrue accusation brought against a Guru (and the preceding ones are acts) equal to mortal sins" (III. ii. 10). And this relates to the accusation with a fault which is not known to the world, for says the text of ÂPASTAMBA, "Having known a defect one 40 should not first report it to others, and (if he does) he should be thrown out of communion" (I. xxi. 20).

False accusation of a Guru is equal to a mortal sin.

(Reviling of the Veda) is to vilify the Veda erring on the side of religious infidelity. (The word) 'Suhṛit' ('one who places confidence') means a friend, and killing him (is to kill him) though he is not a Brâhmaṇa. (To forget the studied) Veda (is) the allowing to escape from memory the Veda which had been studied, by seeking pleasure in resorting to bad sciences, or by negligence and so forth. These, every one of them, are equal to a Brâhmaṇa-slaying.

Reviling the Veda, killing a friend, and to forget the studied Veda are equal to Brâhmaṇa-slaying.

But (there is) an inclusion in the midst of the minor sins of the giving up of (the Veda) that has been studied, by the text, "The neglecting of the Vedic study, the (Sacred) Fires, and sons, *etc.*" (III. 239), and that should be understood to refer to a forgetting of it by being somehow distressed to maintain the family, or on account of being too much occupied in listening to noble sciences.

Neglecting the Vedic study for a sufficient reason is a minor sin.

371. (The sage) narrates the sins equal to that of drinking liquor:

CCXXIX. Eating of what is forbidden, crookedness, speaking of falsehood even to (obtain) prosperity, and to kiss the mouth of a woman in her courses are, on the other hand, equal to the (sin of) drinking liquor.

Forbidden (food) is garlic and the like, and an intentional eating of it (is that which is referred to here). Thus, therefore, (has) MANU: "A man (*u*) who knowingly eats mushrooms, a village-pig, garlic, a village-cock, onions, or leeks, suffers degradation (from caste)" (V. 19). And if (that is done) unconsciously, then the penance is different, for he himself says, "He who willingly partakes of (any of) these six, shall perform a Sântapana Kṛichchhra, or a Yati-Chândrâyaṇa; in case (he has eaten) any other (kind of forbidden food) he shall fast for one day (and a night)" (*uu*).

Eating forbidden food consciously is equal to drinking liquor.

372. Crookedness (is) not to be straightforward, and (is) to have one purpose at heart while he speaks differently or does something else. Of course it is spoken of here in general as crookedness, and, nevertheless, on account of the severity of the penance even the cause (that necessitates it should be) a matter of severity, and, therefore, (it is) understood (that it is) crookedness practised on a Guru.

Crookedness towards a Guru is equal to drinking liquor.

A Nimitta ('cause occasioning a penance') is also to be understood as particular by a consideration of what is occasioned (by it). Just as in connection with this, (namely,) "For whom both the Fires are admitted

(*u*) The reading found in the Mitâkṣarâ is *nara*, man, but KULLÛKA, RÂMACHANDRA, and GOVINDARÂJA—perhaps other commentators too—adopt the reading *dvija*.

(*uu*) MANU V. 20.

if they become defiled (*v*) or go out, then the penance in that (case) is rekindling them afresh by him," though it is not purposed to speak of the term 'both' as being an attribute to the cause as (it is said that) the Havis is to be used in both the cases, yet on the strength of the Naimittika rule ('the rule prescribing the penance occasioned thereby'), which is of the nature of kindling (them) again, (an act) that should be done with regard to both the Fires, it is construed that the cause is certainly comprehensive of both the Fires,-- (even) so is here too, and, therefore, it is (but) proper to construe that the cause (occasioning the penance) is of a severe nature.

373. Likewise speaking of falsehood even with a view to obtain prosperity (is), (for example), to declare falsely before a royal family or the like, 'I am well versed in all the four Vedas' though he has not at all studied the four Vedas. (Similarly is to be considered) the exciting kissing of a woman in her courses being overpowered by passion (*w*).

Speaking of falsehood and kissing a woman in her courses are equal to drinking liquor.

These (offences) are equal to drinking of liquor.

374. (The sage now) describes those that are equal to the (sin of) stealing gold:

CCXXX. Likewise the stealing of horses, gems, men, women, lands, and milch cows, and also that of a deposit, all this indeed is equal to the stealing of gold (of a Brâhmaṇa).

It should be understood that all this, (namely,) the stealing of horses and so on which belong to a Brâhmaṇa, and also of a deposit which is other than gold, is equal to the stealing of gold (of a Brâhmaṇa).

Stealing of horses etc. is equal to stealing of gold.

375. (He now) describes the (sins) equal to the violating the Guru's bed:

CCXXXI. (Associating) with friends' wives and (high class) damsels, (those born) of the same (mother as himself), women born of the lowest (castes), those women of the same Gotra, and the wives of sons is declared to be equal to violating of one's own Guru's bed.

(*v*) S. omits *duṣṭau bhavetâm*, become defiled. How can this reading explain *vâ*, or, which clearly points to an alternative?

(*w*) S. omits *Kâmavaśena*, being overpowered by passion. N. encloses it within brackets. Another Bombay edition (by Moghe) reads *Akâmavaśena*, not being overpowered by passion.

A friend (is) a Mitra ('friend') and the wife of such a one (is a friend's wife), and a (high class) damsel is an unmarried woman belonging to superior castes, (and it is adultery) with such (that is considered here). As by (the following text), "(Adultery) with damsels belonging to a caste inferior (to his) there is no offence if they cherish love (to him), and (if done) otherwise fine (should be levied on him). And in case of defilement of her (there shall be) a cutting off of his hand, and if she is of a superior caste corporeal punishment (is inflicted) likewise" (II. 288), a special (form of) punishment has been laid down in that very case, it is but natural that the penance should be severe. (One born of) the same mother (as himself) (is) a (uterine) sister. A woman born of the lowest (caste) (is) a Chaṇḍâlî. A woman of the same Gotra (is) she whose Gotra (is) common with that of one's own self. A son's wife is a daughter-in-law. Associating with these is each equal to the violation of one's own Guru's bed.

Cohabitation with a friend's wife, high class damsels, etc., is equal to violating one's own Guru's bed.

376. It should be understood that this refers to (those cases) where there has been seminal effusion. But if there is an ending (of the intercourse) prior (to it), it is not (constituting an offence) equal to the violating of one's own Guru's bed, and, on the other hand, the penance is only of a lighter nature (x). For in (the text of) MANU, "Seminal effusion into sisters by the same mother, (unmarried) maidens, females of the lowest caste, wives of a friend or of a son, they declare to be equal to the violation of a Guru's bed" (XI. 58.), there is an express mention of the limiting expression "seminal effusion." By the very using of the expression "of the same Gotra" though it comes out, yet the mentioning of the son's wife again is to establish the severity of the penance (in that case). And here the texts pointing out that (these various offences) are equal to Brâhmaṇa-slaying and so on are intended to prescribe that, in case of gross censuring of the Guru etc., the penances occasioned by those respective (acts) are equal (to the penances for mortal sins to which they are equal).

Punishments are less if the intercourse ends before seminal effusion.

Equality with particular offences shows that the penances are the same.

377. (An objection). Well, for reviling the Veda and so on, the offence being light, it is not proper to enjoin higher penances (such as that for) Brâhmaṇa-slaying and so on (in such cases).

(Answer). It is not so. For on the very strength of the (rule) enjoining a severe penance, it is understood that the offences are of a severe nature. Nor should it be wrongly supposed that this text does

(x) Compare this with the Indian Penal Code, Section 377, where it is said, "Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

not (*y*) go to merely establish (the fact) that the penances (laid down) for Brâhmaṇa-slaying etc. are to be extended (to the corresponding sins), but on the other hand, it tends merely to establish that the sin is of a heavy nature (in those cases). For if it tends to establish only thus much (*z*) then to lay down an equality (between certain sins) as, a particular one is 5 equal to Brâhmaṇa-slaying, a certain (other) one is equal to violating of one's own Guru's bed, etc., by (thus) pointing out (a degree of) difference (between those various sins), cannot be justified.

378. And that penance which though being prescribed by (employing) the word 'equal' (in such expressions as, 'it is 10 equal to Brâhmaṇa-slaying,') is still prescribed as being slightly less than the penances for Brâhmaṇa-slaying etc. For in ordinary (language) with regard to such statements as 'A minister is equal to the king' there is seen a usage of the word 'equal' in the (sense of what is) slightly less, and it is not right 15 either that there can be an equality between a mortal sin and some other. And it being so that text of MANU which runs (as follows), "Forgetting the Veda, reviling the Vedas, giving false evidence, slaying a friend, eating forbidden food, and (partaking of) what is disgusting to the mind are (offenc- 20 es) equal to drinking the liquor" (XI. 56), and lays down that (the acts of) forgetting the Veda, reviling the Vedas, and killing a friend are equal to drinking liquor, though (those very acts) are described by YÂJÑAVALKYA as being equal to Brâhmaṇa-slaying, is for the purpose of (showing that either) alternative (with regard to the) penance (may be 25 chosen). In the same way, conflict with (regard to) even other texts should be removed. (There is), however, a light penance which has been prescribed by VASIṢṬHA thus, "Having had an unpleasant dispute with the Guru, he should perform Kṛichchhra lasting for twelve days, should bathe along with his clothes, and (he) becomes pure when the Guru is appeased," 30 and that should be understood to apply to the cases where it has been committed unconsciously or (only) once.

Though prescribed as equal, it is yet slightly less.

An alternative penance may be performed.

379. (The sage now) says what are analogous to a Guru's bed:

CCXXXII. A father's sister, a mother's (sister), and so on, a maternal uncle's wife, even a daughter-in-law, 35 a mother's co-wife, a sister, an Âchârya's daughter likewise,

CCXXXIII. An Âchârya's wife, and one's own daughter, one who associates with (these) (becomes) a

(*y*) G. and S. omit *na*, not, here. The gloss of BÂLAMBHAṬṬA shows that it is necessary. Moreover the sense requires it. N. has it.

(*z*) That is, that the sin is of a heavy nature.

violator of his Guru's bed. (His) genital organ should be cut off and corporal punishment (inflicted upon him). (The same should be done) even (in the case) of a woman (who allures him being) charged with love.

Cutting off of the genital organ for approaching a father's sister and others is both penalty and penance.

A father's sister and others are well known, and having associated with them (one becomes) the violator of his Guru's bed. His genital organ being cut off corporal punishment should be inflicted upon him by the king by way of penalty, and that itself is penance (in his case).

Other offences constituting an incest.

380 Because of *cha*, "and so on," a queen, a female ascetic, and so on should be taken. Thus says NÂRADA : " A mother, a mother's sister, a mother-in-law, a maternal uncle's wife, a father's sister, a paternal uncle's (wife), a friend's (wife), a pupil's wife, a sister, a sister's friend, a daughter-in-law, (XII. 73), a daughter, an Âchârya's wife, a Sagotra woman, a woman who comes to him for protection, a queen, a female ascetic, a nurse, a woman under a vow, and a woman of the highest caste, (XII. 74) of these having known any one carnally he is said to commit incest. For that (crime) no other punishment than excision of the genital organ is prescribed" (XII. 75). A queen is the wife of a ruler of the country and not merely of a Kṣatriya, for a separate penance has been prescribed for associating with her. A nurse is a woman who, not being a mother, brings up one by suckling and so on. A woman under a vow (is) she who is observing a vow. A woman of the highest caste (is) a Brâhmaṇa woman. The use of the word 'mother' here is for the purpose of exemplification.

Corporal punishment in the case of one other than a Brâhmaṇa.

381. And this penalty consisting of excision of the genital organ and corporal punishment (is in the case) of one other than a Brâhmaṇa, for corporal punishment for him is prohibited thus, "Let him never slay a Brâhmaṇa though he may have committed all (possible) crimes" (*a*), and corporal punishment itself is of the form of penance. And the facts (relating) to this we propose to give at full length in the section on penances for violating one's own Guru's bed. And the mentioning again in this connection of daughter-in-law and sister, who have by the previous verse been considered as equal to a Guru's 'bed,' is for the purpose (showing) (that this is) an alternative penance.

The same punishment even for alluring women.

382. When, however, these women, being love-stricken, allure the men themselves and enjoy with them, then even (in the case) of them the corporal punishment, as (in the case) of men, (is) both penalty and penance.

(*a*) MANU VIII. 380.

383. These (offences), from the gross censure of a Guru down to the incest with a daughter, (are) topics analogous to mortal sins and are called Pâtakas ('sins') because of their being the causes of an immediate Patana ('degradation from caste'). Thus says YAMA: "A mother's sister, mother's friend, daughter, father's sister as well, maternal uncle's wife, 5 female friend, and mother-in-law, having approached these a man suffers degradation (from caste) at once." Again GAUTAMA says that even (some) other (offences) have also the character of bringing down degradation (from caste). "He who has connection with the female rela- 10 tions of his mother and father, he who steals (the gold of a Brâhmaṇa), an infidel, he who constantly repeats blamable acts, he who does not cast off persons guilty of a crime causing loss of caste, and he who forsakes blameless (relations) suffer degradation (from caste) (III. iii. 1); likewise those who instigate others to acts causing degradation from caste" 15 (III. iii. 2). And as they are stated between the (topic of) mortal sins and (that of) minor sins, it is understood (that they are of a) nature of being less than mortal sins and greater than the minor sins. It is thus said: "Sins that are equal to mortal sins have been described, and also those termed Pâtakas ('sins causing degradation from caste'). And those 20 that are less than (the latter) are called minor sins." And likewise has AṄGIRAS: "(Life in) hell (lasts) for years, one thousand in number, in (the case of) Pâtakas, twice that (period) likewise in (the case of) mortal ones, and in (the case of) minor sins a fourth (of a thousand years)."

Sins, called Pâtakas, which bring about immediate degradation from caste.

384. Having thus considered the mortal sins as well as the sins 25 equal to them, (the sage) says (thus) to enumerate the minor sins:

CCXXXIV. Cow-killing, the condition of being a Vrâtya, stealing, not satisfying of debts, the condition of not being an Âhitâgni, dealing in forbidden (goods), a younger brother marrying before the elder, 30

CCXXXV. Acquisition of learning by an engaged (teacher), teaching for fees likewise, (adultery) with others' wives, unmarried life while a younger brother is married, living by interest, manufacture of salt,

CCXXXVI. Killing of a woman, a Śûdra, a Vaiśya, 35 and a Kṣatriya, living by prohibited wealth, infidelity, breach of vow as well, the sale of children even,

CCXXXVII. Stealing of corn, inferior metals, and cattle, conducting the sacrifices of those unfit for sacrifices,

abandoning of father, mother, and son, selling of a water tank, a pleasure garden, (and so on),

CCXXXVIII. Defiling of a maiden even, conducting of the sacrifices of one who is married before the elder brother, giving a daughter in marriage to such very man, 5 crookedness, breaking a vow,

CCXXXIX. Beginning of an act solely for his own sake, associating with a drunkard woman, neglecting of the Vedic study, the (Sacred) Fires, and sons, and even the abandoning of the relatives, 10

CCXL. Cutting down a tree for the purposes of firewood, living by women, cruelty, and medicine, making of pressing mills, evil pursuits, selling of one's own self,

CCXLI. Service to a Śûdra, friendship with inferiors, 15 an attachment to an inferior woman, not taking to an Âśrama likewise, battening on another's food,

CCXLII. Mastering of sciences that are not noble, employment in mines, even selling of a wife, and so on are, every one of them, minor sins. 20

Explanation of various terms.

Cow-killing is destroying the fœtus of a cow. Not being initiated (into Brahmacharya) within the time (limits set for it) (is) the condition of being a Vrâtya. Stealing (referred to here is) to rob another's wealth which is other than a Brâhmaṇa's gold. Not returning of gold etc. that were 25 borrowed is not satisfying of debts. Likewise (it is) also not satisfying of the claims relating to the gods, Ṛiṣis, and the manes. The condition of being not an Âhitâgni (is to be so) even when he has qualification for it.

Not satisfying of debts.

Keeping no Sacred Fires.

385. (An objection). Well, it is well known 30 among the Mîmâṃsakas that the Śruti (texts) relating to Jyotiṣṭoma (sacrifice) and so on (that are performed) with motives necessitate the kindling of the (Sacred) Fires for the purpose of achieving (those desires) by (means of) the (Sacred) Fires that are their (necessary) essentials. And thus, he, for whom (there is) benefit by the (Sacred) Fires, 35 should take to the kindling thereof, which act is the means (of securing his desires), just as he who desires to have rice and so on (should take)

to the earning of wealth. He, on the other hand, for whom there is no benefit by the Fires, need not take to it, and how then (is) the condition of not being an Âhitâgni a sin?

(Answer). It is (thus) answered, on account of this very text which lays down the compulsory nature of kindling the (Sacred) Fires, it is 5 apparent that the opinion of the Smṛiti-expounders (is) that even the unchanging Śruti (texts) are laying down of kindling (of the Sacred Fires), irrespective (of its being attended by motives), so long as one has Adhikâra for it, and, therefore, there is no inconsistency.

386. Likewise (dealing in forbidden goods) (is) dealing in salt and 10 the like forbidden (goods). Marrying before the elder brother (is) taking a wife and the (Sacred) Fires by a younger brother while his eldest uterine brother remains (unmarried) (*aa*).

Dealing in forbidden goods.

Marrying before the elder brother.

(Acquisition of learning by an engaged teacher is) to receive instruc- 15 tions in the Veda by a teacher who does so on payment. (Teaching for fees) is to impart instructions on payment.

Learning by paying.

(Adultery with others' wives) is to be attached to other men's wives other than the wife of a Guru or her equal. 20 Unmarried life while a younger brother is married (is) absence of marriage (in the case) of the eldest brother while one younger than himself is married. Living by interest (is) to live by taking prohibited (rates of) interest. Manufacture of salt (is) is the 25 production of salt.

Adultery with another's wife.

Living unmarried when the younger is married.

Usury.

Salt manufacture.

Killing of a woman (means) (slaying of a woman) though she is (of) Brâhmaṇa (caste) (*b*) an Âtreyî being excepted. (So are) killing of a Śûdra, and killing of a Vaiśya and Kṣatriya who are not preparing (themselves) 30 for (performing) sacrifices (at the time). Living by prohibited wealth (is) to live upon money that has been laid out by one other than a king. Infidelity is a wrong tenacious sentiment (such as that making one) declare, 'There

Killing a woman, a Kṣatriya, or Vaiśya.

Prohibited wealth.

Infidelity.

(*aa*) A controversy is often provoked in this connection that *jyeṣṭha* in this connection means *sarvajyeṣṭha*, or the eldest of all. But GAUTAMA in the Sûtra, *Bhrâtari cha evaṃ jyâyasi yavîyân kanyâgnyupayameṣu* (II. ix. 18), clearly lays down the words *jyâyas* ('elder') and *yavîyas* ('younger') which clearly show that a younger brother should not marry before one who is his immediate elder is married.

(*b*) N. reads *abrâhmaṇyâ api*, though she is not of Brâhmaṇa caste. S. has *Atreyî sagarbhâ ṛitumati Atrigotrâ pariṇîtâ vâ*, a pregnant woman, a woman in her courses, and a woman married to a man of the Gotra of ATRI,—after *striyâ vadhaḥ*, killing of a woman. This however makes the sentence cumbersome, and what is more the sense does not seem to require it.

Breach of vow.
Sale of children etc.

is no other world,' and so on. Breach of vow is intercourse with a woman by a Brahmachârin. (Sale of) children (is the sale of one's own offspring.

Stealing of inferior metals etc.

Corn is rice and the like, inferior metals are such substances as are not precious and are tin, lead, and so on, and cattle 5 are cows and the like, and (it is) stealing of these (that is referred to here). Though it is established by the very using of (the term) 'stealing' in "Cowkilling, the condition of being a Vrâtya, stealing *etc.*," the using again of the expression, 'stealing of corn, inferior metals, *etc.*' is for (emphasizing) that the 10 penance (is) compulsory. Thus in (the case of) stealing things other than corn and so on, this very penance is not essential but one though less is sufficient. From this the mentioning again of 'abandoning of father etc.,' though it is plain from the very mentioning of 'abandoning of the relations' is explained.

Conducting of the sacrifices of the unfit.

Conducting the sacrifices of those 15 unfit for sacrifices (means to say,) of those whose are defective in (the point of) caste and profession and also of Śûdras, Vrâtyas, and so on.

Abandoning of father, etc.

Abandoning of father, mother, and son (is) to expel (them) from the house even when they have not suffered degradation (from caste). 20

Selling of parks, etc.

(Selling) of a water tank, of pleasure garden, etc. (is) the sale of (water tanks) parks, groves, and so on.

Defiling a maiden.

Defiling of a maiden (is) is to pierce her uterus with finger and the like and not enjoying (her), for in (the text), "(Associating) with friends' wives and (high class) 25 damsels" (III. 231), it has been said that he (who does enjoy her) is equal to a violator of a Guru's bed. Conducting the sacrifices of one who is married before his elder brother and also giving one's daughter (in marriage) to such a person (are to be taken).

Crookedness.

Crookedness (here concerned is) with one other than a Guru, and with 30 regard to crookedness practised on a Guru, it has been described that it is equal to drinking liquor. The using of the expression 'breach of a vow' again is to bring in (breaches) with (regard to) such vows as, though they are neither laid down nor prohibited (c), (are assumed and are) of the nature 35 of, 'I will not chew betel leaves and so on before seeing the lotus-like feet of the adored VIṢṆU,' and not to bring in the vows of a Snâtaka. For in (that latter case), a lighter penance has been laid down by MANU (thus): "Also for neglecting the special duties of a Snâtaka, penance is fasting" (XI. 203).

Breach of assumed vows.

40

(c) There are two readings *aśiṣṭápratiṣiddheṣu api* and *śiṣṭápra....* We adopt the former which is decidedly better and is approved by BÂLAMBHAṬṬA. The latter means, though they are not prohibited by the wise.

And likewise the beginning of an act solely for one's own sake (is) to be taken as being of the nature of cooking, for that alone is prohibited thus: "He who prepares food for himself (alone), eats nothing but sin" (d). And if it is taken to refer to mere actions, then laying down prohibitive rules will be very heavy. Associating with a woman who is a drunkard (is) to enjoy her though she is one's own wife. Neglecting of the Vedic study (has already been) explained. Neglecting of the Sacred Fires (is to neglect) the Śrauta and Smârta Fires. Neglecting of sons (is) not to perform their purificatory ceremonies and so on (e). Abandoning of the relatives is not to maintain them though he has prosperity.

Cooking for one's own self.

Association with a drunkard woman.

Neglecting of the Vedic study, Fires, and sons.

Abandoning relatives.

Cutting down a tree for the purposes of firewood is to hew down a tree full of sap for achieving visible benefits (as) cooking etc., and not also for the purpose of keeping the Âhavanîya Fire. Living by women, cruelty, and medicine is to subsist by (using) women, by (doing acts of) cruelty, and by (practising) medicine. Of these what is called living by women is to employ one's wife in the capacity of a harlot and live by what is obtained thereby, or to live by what is woman's wealth (f). Living by cruelty (is) to subsist by killing animals. Living by medicine (is to live) by getting mastery over another and so on (by means of drugs). (Making) of pressing mills (is) to devote one's attention (to the making of mills) crushing sesamum and sugar-cane. Evil pursuits are hunting and so on, (and are) eighteen in number. Selling of one's own self is doing service to another by accepting money.

Cutting down a tree.

Living by women, cruelty, and medicine.

Making presses.

Evil pursuits.

Selling one's own self.

Doing service to a Śûdra and contracting of friendship with inferiors (are also to be taken). Attachment to an inferior woman (is) marrying by one, without being married (at all) to a woman of his own caste, of none but a woman of (his) inferior caste, and also enjoying of a public woman. Not taking to an Âśrama is to stay without embracing any Âśrama though one has capacity for it. Battening on another's food is to find pleasure with the food cooked by others.

Attachment to an inferior woman.

Not taking to an Âśrama.

Battening on another's food.

(d) MANU III. 118.

(e) The rule is *putrân utpâdya saṃskṛitya vṛittiṃ teṣâṃ prakalpayet*, one should beget children, perform their purificatory ceremonies, and provide them with a profession. By "and so on" he probably means providing them with a profession.

(f) S. omits *strîdhanena upajîvanam*, to live by what is woman's wealth. How does it explain *vâ*, or, then?

Mastering of a science that is not noble (is to study) the (religious) works of Chârvâkas etc. Employment in mines is to obtain an office by the king's order in any one of the mines where gold and the like are produced. The sale of a wife (is another). And because of the term *cha*, 'and so on,' there is an inferring of employing (black) spells for malevolent purposes, eating of garlic and the like unconsciously, and so forth mentioned by MANU and others. It should be understood that the denomination of 'minor sin' applies to every one of these, the cow-killing and the rest. 10

Mastering of bad sciences.

Employment in mines

Black spells.

387. Again by MANU are enumerated even other causes known as causes of loss of caste, causes of degradation to miexd castes, causes rendering one unfit to receive gifts, and, causes making one impure: "Giving pain to a Brâhmaṇa (by a blow), smelling at things which ought not to be smelt or spirituous liquor, cheating, and an unnatural offence with 15 a man, are declared to cause loss of caste (XI. 67). Killing a donkey, a horse, a camel, a deer, an elephant, a goat, a sheep, and likewise of a fish, a snake, or a buffalo must be known to degrade (the offender) to a mixed caste (XI. 68). Accepting presents from blamed 20 men, trading, serving Śûdras, and speaking a falsehood, make (the offender) unworthy to receive gifts. (XI. 69). Killing of worms, insects, and birds, eating anything kept close to spirituous liquors, stealing fruit, firewood, or flowers, and bewilderment (with regard to trifles) (are offences 25 which) make (one) impure" (XI. 70). And the collection of causes other than this is called miscellaneous.

Sins causing loss of caste.

Sins degrading one to mixed castes.

Sins causing unfitness to receive gifts.

Sins making one impure.

388. And by BRIHAD-VIṢṆU are pointed out all (sorts of) causes occasioning penances, and distinguished by their special feature, each next (set being) less than the (one immediately) preceding it: "Slaying a 30 Brâhmaṇa, drinking liquor, stealing of a Brâhmaṇ's gold, and violating of one's own Guru's bed as well as intimate contact with such (offenders) are mortal sins. Approaching a mother, approaching a daughter, and approaching a daughter-in-law are heinous sins. Killing of a 35 Kṣatriya engaged in (the performance of) a sacrifice, of (such) a Vaiśya also, of a woman in her courses, of a pregnant woman, of a woman who is of Atri-Gotra(*g*), of one who is a stranger, of the embryo, and of one who seeks protection are equal to the killing of a Brâhmaṇa. 40 These two, namely, giving of false evidence and

Killing a Brâhmaṇa etc. are mortal sins.

Approaching one's own mother etc. are heinous sins.

Killing a Kṣatriya engaged in a sacrifice etc. equal to Brâhmaṇa-slaying.

Giving false evidence etc. equal to drinking liquor.

(*g*) *Anyagotrá*, a woman belonging to a Gotra other than one's own, is another reading. The present reading is preferred as these three go together.

slaying a friend (are) equal to drinking liquor. Appropriating of a Brâhmaṇa's lands is equal to the stealing of gold. Approaching of a paternal uncle's wife, maternal grandfather's wife, maternal uncle's wife, or a king's wife is equal to the approaching of a Guru's wife. These, namely, approaching a father's sister and a mother's sister, approaching the wives of a Śrotriya, a Ṛitvik, an Upâdhyâya, and a friend, and also approaching a sister, a friend, a woman of the same Gotra, a woman of the highest caste, a woman in her courses, a woman who seeks protection, a female ascetic, and a woman confided to one's care are high sins (*h*). Speaking of falsehood to set one's self up, tale-bearing to a king, false accusation of a Guru, reviling of the Veda, neglecting of (the Veda) that is studied, (neglecting) of the (Sacred) Fires, father, mother, son, and wife, eating of prohibited food, appropriating to one's self the property of another, associating with another's wife, conducting the sacrifices of those who are prohibited from performing sacrifices, the condition of being a Vrâtya, teaching the Veda by being paid, receiving instructions in the Veda on giving the fees, employment in any (sort of) mine, making of large instruments, living by cutting trees, shrubs, creepers, and herbs, taking to employing of (black) spells to do another harm or getting possession over another by drugs or incantations, performing of an act (of cooking) for one's own sake, the condition of not being an Âhitâgni, not satisfying the debt of the gods, the Ṛiṣis, and the manes, studying of irreligious books, infidelity, subsisting by reprehensible art, enjoyment of a woman who drinks liquors are minor sins (*i*). Causing (bodily) pain to a Brâhmaṇa, smelling of what should not be smelt and liquor, crookedness, and committing of unnatural offences with cattle and man are causing the loss of caste. Cruelty to wild or domestic beasts is causing degradation of one into mixed castes. Accepting of money from blamable persons, trade, living by money-lending, speaking of falsehood, and serving a Śûdra are rendering one unworthy to receive (gifts). Killing of birds, amphibious animals (*j*), and aquatic animals, killing of worms and insects, and eating of what was kept close to a liquor are rendering one impure. What have not been mentioned (here) are miscellaneous sins" (*k*).

Usurping a Brâhmaṇa's land equal to stealing gold.

Approaching a paternal uncle's wife etc. equal to violating Guru's bed.

Approaching a father's sister etc. high sins.

Speaking of falsehood, tale-bearing to a king, etc. minor sins.

Causing bodily pain to a Brâhmaṇa etc. cause the loss of caste.

Cruelty to animals cause degradation into mixed castes.

Accepting money from blamable persons etc., make one unworthy to receive gifts.

Killing of birds, etc., cause impurity.

Miscellaneous sins.

(*h*) "Minor offences."—Jolly.

(*i*) "Crimes."—Jolly.

(*j*) Water fowls etc.—BÂLAṂBHAṬṬA.

(*k*) VIṢṆU, XXXVI-XLII.

But it has been pointed out by KÂTYÂYANA that what are equal to mortal sins and what have been described by VIṢṆU as being minor offences are to be denominated as Pâtakas ('sins'): "Mortal sins, heinous sins likewise, Pâtakas ('sins bringing about degradation from caste') as well, contact sins, and minor sins are thus the five sets (of sins)." 5

389. (Objection 1). Well, how can minor sins *etc.* be (classed as) Pâtakas ('sins bringing about degradation from caste') for they have nothing (about them) to bring about degradation from caste? If they too are of the nature of bringing about degradation (from caste), then it is useless to enumerate (these), (namely,) "He who has connection with the female 10 relatives of his mother and father etc." (under a different category).

(Answer). Then it is thus answered. Of course (they) have nothing (about them) bringing about immediate degradation (from caste) as the mortal sins or what are equal to them (have), and, nevertheless, regard being had to constant practice they become causes of degradation (from) 15 caste, and, (therefore,) there is no contradiction. For says the text of GAUTAMA: "He who constantly practises blamable acts *etc.*" (III. ii. 1).

(Objection 2). It cannot be so. For constant practice (is a thing which) cannot be determined whether it is twice or a hundred times; and if no difference is recognized in that (matter), then it would so happen that 20 between one who sleeps but twice during the day and another who kills cows a hundred times, the extent of degradation (from caste) may be the same.

(Answer). It is (thus) answered in this (connection). If any Arthavâda states any form of departure from the right course or a 25 (sin) occasioning a heavy penance, the practice of that blamable act (stated therein) to that extent, to which (extent) if it is practised there arises out of it a degree (of sinfulness) equal to (that of) a mortal sin, becomes the cause of bringing about degradation (from caste). And with regard to sleeping during the day and so on, though practised a 30 thousand times, they cannot reach to an equality with a mortal sin, and, therefore, no degradation (from caste) can come out of such.

Thus it is right (to hold) that regard being had to constant practice, the quality of causing degradation (from caste) attaches itself to minor sins and the rest. 35

SECTION IV.—PENANCES FOR BRÂHMAṆA-SLAYING.

390. Having thus, for the purpose of reference, enumerated the causes occasioning penances together with the distinctions of terminology (the sage), in order to point out the (penances) occasioned, says:

CCXLIII. Having the bowl of a head bone and 40 wearing a skull as his flag, subsisting on food begged

declaring the deed (he has committed), and eating sparely, a Brâhmaṇa-slayer attains purification in twelve years.

(He is described) as having the bowl of a head bone because he should possess a bowl of the head bone. Likewise (he should be one) wearing it as a flag, for says the text of MANU, "Making the skull of a dead man his flag *etc.*" (XI. 72).

A Brâhmaṇa slayer shall wear a skull bowl and a skull flag.

It should be taken that what is denoted by the word 'flag' is another skull bone mounted on the top of his stick. And that skull (he has to wear as his flag) should be taken (to be) that pertaining to the head of the Brâhmaṇa slain by himself. For says the text of ŚÂTÂTAPA, "A Brâhmaṇa having slain (another) Brâhmaṇa, should take the skull bone of that very (victim) and wander in the holy places." If that cannot be had one pertaining to (the head of) another Brâhmaṇa might as well be taken.

The skull of the victim himself if possible mounted on the foot of a bedstead should be his flag.

Both these should be worn in the hand itself, for says the text of GAUTAMA, "(He may enter the village) carrying the foot of a bed-stead and a skull in his hand" (III. iv. 4). By the term 'Khatvâṅga' ('foot of a bedstead') a flag made up of a skull bone mounted on a staff, not a (mere) portion of a bedstead, is understood, for from that (term) that very (meaning) is well known (*l*) in, "A huge bull, the foot of a bedstead (on which a skull is mounted), an axe, *etc.*," and the like usages.

Both he must wear in the hand

391. And this wearing of a skull bone is for the purpose of an emblem and not for the purposes of (using it as a) dining (platter) or for the purpose of (receiving) alms. For, says the text of GAUTAMA, "He may enter the village, with an earthenware bowl in his hand, for the purpose of begging" (III. iv. 14) (*m*).

He should have an earthenware vessel to collect alms.

392. Likewise he should live in the forest, for says the text of MANU, "(For his purification), a Brâhmaṇa-slayer shall make a hut in the forest and dwell (in it) for twelve years" (XI. 72), or (he may live) in the proximity of a village and so on, for that very (authority) declares, "Or having shaved off (all his hair), he may dwell at the extremity of the village, or in a cow-pen (*mm*), or in a hermitage, or at the root of a tree, taking pleasure in doing good to cows and Brâhmaṇas" (XI. 78).

He might live in a forest or at the extremity of a village.

(*l*) "This is well known among the Pâśupata (sect)."—HARADATTA.

(*m*) "With an .....hand" is not found in the available editions of GAUTAMA.

(*mm*) It must be noted that to live in a cow-pen is to live in a room or the like close to the place where cows are kept. *C.f. Gaṅgayâṃ ghoṣaḥ*, a herd-village on the Ganges, that is, very close to the Ganges.

393. As there is expressed an alternative (rule as), "Or having shaved off (all his hair)," it is hinted that he might as well be a wearer of matted hair. Thus, therefore, (has) SAMVARTA: "A Brâhmaṇa-slayer (shall remain) for twelve years clad in cloth made of tail-hair (of Chamarî buffaloes), wearing matted hair, and having a flag (of skull)."

He might shave his head clean or wear matted hair.

Shall wear hair-cloth.

394. And likewise he shall, as a rule, subsist by begging (his food). And the alms should be received in a reddish tray consisting of a broken piece of earthenware. For says ÂPASTAMBA, "He may go to the village with a tray (consisting) of a broken piece (of article) for the purpose of begging" (I. xxiv. 14) (n).

Shall receive alms in an earthenware tray.

He should for the purposes of alms appear only at seven houses which he had not determined (before) whether the desired food could be had there or not. For says the text of VASIṢTHA, "Let him beg food at seven houses which he has not selected (beforehand)" (X. 7).

Shall beg only at seven unselected houses.

Likewise (alms) is to be collected only once (a day), for it is said by that very (authority) that "(He should partake of) his food (only) once (a day)."

Shall eat only once a day.

And this begging should be done only among (those belonging to) the Brâhmaṇa and the other Varṇas. For says the text of SAMVARTA, "He should go about begging among (those belonging to) the four Varṇas wearing a foot of a bedstead (on which is mounted a skull bone) and being (thoroughly) self-controlled."

He should beg only among those belonging to the four Varṇas.

Likewise he should declare the deed he has committed by saying, 'I am a Brâhmaṇa-slayer,' stand at the door, and beg for alms. For says the text of PARÂŚARA, "I stand at the door of the house waiting for alms, and am a Brâhmaṇa-slayer."

He should proclaim his deed by saying, 'I am a Brâhmaṇa-slayer.'

395. And it should be noticed that this rule of living by alms (is to be observed by one) when he is unable to live upon the forest products. For, says the text of SAMVARTA, "He should enter the village for the purpose (of begging) alms when he cannot subsist upon the forest products.

He should beg only when he cannot subsist upon the forest products.

396. Likewise he should observe Brahmacharya and the like (virtues) as well. For says the text of GAUTAMA, "Wearing the foot of a

(n) Buhler evidently follows a different reading. Next, the word 'Lohitaka' which means some sort of bell-metal is translated by him as 'a metal of an inferior quality.' But considering the view of VIJÑÂNEŚVARA, who evidently lays stress on its being a piece of broken eathenware, this translation is given.

bedstead (on which is mounted a skull bone) and a skull (he should spend) twelve years remaining a Brahmachârin, and for the (purposes of) alms he might enter the village declaring the deed (he has committed)" (III. iv. 4). (He should be particular) as to step out (of the road) when he meets an Ârya (III. iv. 5). [And he should continue standing during the day and sitting at night likewise. This is called Virâsana ('the posture of the brave') and is destroying of every sin] (o). "He should find pleasure in standing (during the day) and sitting (at night), and bathe in the morning, noon, and evening. (Thus) he can be purified (after twelve years)" (III. iv. 6).

He shall remain a Brahmachârin for twelve years.

He shall step out of the road when he meets an Ârya.

He shall assume Vîrâsana posture.

397. And the use of the term 'Brahmachârin' is for the purpose of bringing out (a set of duties) not repugnant to his Dharma and described in the Chapter on Brahmachârins as: "(He) shall avoid honey, meat, perfumes, garlands, sleep in the daytime, collyrium, ointments (oo), shoes, an umbrella, love, anger, covetousness, perplexity, pleasure, dancing, singing, calumniating, and terror" (p). Thus, therefore, has ŚAṄKHA: "(He should) remain standing (during the day and assume) the posture of Vîra (pp) (at night), and (be) reticent. A girdle of Muñja grass, a staff, a bowl, begging of alms, worshipping the Fire (as a Brahmachârin), and a constant repetition of the Kûśmâṇḍa Mantra (etc.)." '(All this) there should be to him' (is) the remaining part of the sentence.

He should observe all the duties of Brahmachârins not repugnant to his Dharma.

Should have the insignia of a Brahmachârin and worship Fire.

398. Here by the enjoining of bathing as, "(He) should bathe in the morning, noon, and evening," it is inferred that the Mantras etc. forming part of it come in likewise as the text, "A (religious) act should be undertaken by one being pure," has the character of being common to all the (religious) acts, even the performance of the Sandhyâ should, in the same way as bathing, be attended to (by him) for the purpose of (attaining the) perfection of purity, which is a necessary auxiliary to his observance of the vow. For even that is to precede every (other) religious act on account of its conducing to the (necessary) purification. Even so (has) DAKṢA: "He who does not perform Sandhyâ is impure at all times, and is unqualified for any of religious acts. Whatever little of religious deeds he performs he cannot be entitled to the results thereof."

He shall perform Sandhyâ as it is an essential purificatory preliminary to all religious acts.

(o) The original of this is a metrical verse and thus cannot be a Sûtra of GAUTAMA. N. and S. notice in foot-notes that this is not found in some of the Mss.

(oo) S. omits *abhyañjana*, ointment.

(p) GAUTAMA, I. ii. 19.

(pp) *Vîrâsana*, see above.

Nor should it be wrongly supposed that on account of the text, "Degradation (from caste) is the loss (of one's right) to the religious duties of the twice-born," even the performance of Sandhyâ cannot come in because it is a religious duty of the twice-born (classes). Because it is only for one who has suffered degradation (from caste) that a 5 course of religious vow is prescribed, therefore, the performance of Sandhyâ and the like are certainly coming in as the necessary auxiliaries thereof. And thus it is the loss (of right) only to such (religious duties of the twice-born) as are mentioned in, "(The 10 lawful occupations common) to (all) twice-born men are studying (the Veda), offering sacrifices (for their own sake), and making gifts. Teaching, performing sacrifices for others, and accepting of gifts (are) the additional (occupations) of a Brâhmaṇa" *(ppp)* and are not auxiliaries to his course of observing the vow and not a loss of (right to) all. For, 15 by prohibiting only thus much, the text enjoining the loss (of right) will have served its purpose.

It is only the study of the Vedas and the like functions that are prohibited to him.

399. And this observance of the vow for twelve years which has been described by MANU, YÂJÑAVALKYA, GAUTAMA, and others is one and the same and not different, for each is supplement- 20 ing, and not conflicting, of the other. It is indeed so. If it is stated, "Subsisting on food begged, declaring the deed (he has committed), [he shall be]," a question certainly arises, 'What is the begging vessel? At whose houses or how many (of them)?' With reference to 25 that there is the completion (of the sense) by the text of ÂPASTAMBA, "With a reddish tray (consisting) of a broken piece (of earthenware article)" (I. xxiv. 14), and (there is) no contradiction. Thus as it is (only one and) the same course of action that is prescribed by all (the sages), that which is said by some as, 'Although between the details of actions pre- 30 scribed by MANU, GAUTAMA, and others, there is a feature of mutual supplementing, yet (any one of them is allowed to the choice as) a matter of alternativeness,' must be regarded as having been said without due weighing (of the facts).

The courses detailed by the sages are mutually supplementing, and are not conflicting, of one another.

Thus having gone through the course of the vow lasting for twelve 35 years a Brâhmaṇa-slayer can be purified.

400. And this course of action refers to the slaying of a Brâhmaṇa unintentionally. For says the text of MANU, "This expiation has been prescribed for unintentionally killing a Brâhmaṇa; but for intentionally slaying a Brâhmaṇa no atonement is ordained" (XI. 89). 40

401. (Objections). (i). It is a matter of reflection here whether when two or three Brâhmaṇas are killed, a single going round (through the vow)

This suggests that Vírásana must be some particular form of Âsana, or posture.

(*ppp*) GAUTAMA II. i. 1-2.

(is sufficient) expiation for all the sinful acts) (*q*), or a repetition of it (is necessary). With regard to it some opine that as in this (text), "A Brâhmaṇa-slayer (attains purification) in twelve years," the word 'Brâhmaṇa' is commonly expressive of one, two, or more, whatever is the penance for the slaying of a single Brâhmaṇa, that very same (is 5 sufficient expiation) for even a second or a third. In a case (where the offences are many), if a single (round of) penance, occasioned by a single Brâhmaṇa-slaughter, is gone through, it is not possible to say whether (atonement) is made (for) this or (atonement) is not made for that. The place, time, and doer that are the necessary elements (*r*) 10 of the observance being the same, and there being nothing requiring (any more) consideration, it is but proper (to hold) that on a very single going round of (the penance prescribed for a single offence), there arises an effect characterized by the (nature of) destroying (all) the sins. It is as, when Prayâja offerings are made only once, (intended for all), with 15 reference to Agneya and the like sacrifices, there result the effects characterized by the nature of serving the purpose of many by that single performance itself of the rite.

(ii). Nor should it be said that, inasmuch as the sin is (of a) heavy nature in the case of two or three Brâhmaṇa-slaughters, it is (but) proper 20 (to hold) that (the expiation should consist) in a repeated observance only of the penance on the strength of the GAUTAMA'S text which says,

(*q*) The original uses the word 'Tantra' which is a conventional word in Mîmâṃsâ. MÂDHAVÂCHÂRYA derives it as *tanyate vistâryate bahûnâm upakâro yena sakṛitpravartitena tad idaṃ Tantram*, which means, that is called *Tantra* by a single performance of which the purpose of various things is served. RÂMEŚVARA defines it as *yat sakṛit kritaṃ bahûnâm upakaroti tat Tantram*, that which being performed once serves the purpose of several. This is illustrated by saying that it resembles a light placed in the centre of many. Its antonym is Âvâpa and it resembles the partaking of meals by individuals. If a group is to be fed, one meal should be given to each individual constituting the group. See Nyâyamâlâ Vistara and Subodhinî on JAIMINI, XI. i. 1 (Adhikaraṇa).

The following passage from Mr. Sarkar's book may be cited here: "The figure of speech from which the Tantra Nyâya is taken is interesting. It is taken from the process of the weaver who by pushing up the hoof, touches all the warps. Prasaṅga is the incidental effect of an act of which the chief purpose is different .. ..

The principle of these two rules is generalized and shortly put by modern writers as follows :—" An act enjoined by the Śâstras need not be performed more than once." This principle may perhaps go some way in supporting the decision of their Lordships of the Privy Council to the effect that if a widow, having a permission of her husband, once adopts a boy, and the boy dies leaving a widow, who is according to the Śâstras half his body, the widow of the adopter cannot make a second adoption, although the permission from her husband may have contained a provision to this effect. This principle has no bearing, however, to the case of a simultaneous adoption which has been held to be invalid, although Dr. Siromani says that the principle applies to such a case."—p. 221.

N. B.—Âvâpa also resembles Avaghâta of Vrîhi or the husking of rice, wherein the act of pounding is to be repeated until all the husks are completely removed.

(*r*) Anubandha.

"(With regard) to a heavy sin difficult (are) the penances, and with regard to a light (one) light" (III. i. 19). For it is not possible that there can ever arise, by a single going round of the acts, two dissimilar effects; (and) this text is not (for) laying down the repetition (of any penance), and, on the other hand, is (only) tending to establish a settlement of the rules lay- 5 ing down harder and easy (penances) that have been (previously) described.

(iii). Nor can there be any heavier nature of the sin at the second Brâhmaṇa-slaughter, for there is no authority (in support of it).

(iv). And even that which has been stated by MANU and DEVALA as, "(Of the penance prescribed) by this rule with regard to the first (offence), 10 it is double at the second (offence), treble, it is declared, at the third, and at the fourth there is no atonement," is, according to the maxim, 'What is occasioned (by a cause) repeats (itself) with each (recurring of the) cause (occasioning it),' by becoming an explanatory repetition of (the fact) that the rule laying down the penance recurs, as can be observed (from a 15 regular mention) with reference to two or three Brâhmaṇa-slaughters, tending to lay down that at the fourth there is not that (recurrence), and it cannot also (*rr*) tend to prescribe that a double penance shall be performed at the second Brâhmaṇa-slaughter, for that involves the fallacy of making different sentences (*s*). 20

(*rr*) N. and S. in foot-notes notice that *iti* is found in place of *api*, also, in some Mss. But *api* is to be preferred as it suggests a very good Mîmâṃsâ principle, Vâkyabheda.

"Vâkyabheda, strictly speaking, has reference to the question whether a sentence should be taken to stand for one leading idea to which other ideas expressed in it are subordinate or to stand for two or more ideas co-ordinate to each other. It is taken to be a fundamental rule of composition with Sanskrit authors that there should be only one leading idea in one sentence. In fact a sentence (Vâkya) is defined to be a "proposition containing a single idea, but where the expression of that idea is divided into parts, each part stands in need of the other or others."

"This being the orthodox principle of a Vâkya (sentence), old books or old sayings must be presumed to have been composed on this principle. Hence it is an axiom that what is, on the face of it, a single Vâkya must not be construed to contain two co-ordinate ideas so as, in effect, to make it, as it were, two Vâkyas. To do this is called Vâkyabheda (splitting a sentence). Thus we have the popular maxim: "Where it is possible to take a sentence as embodying a single idea or a single proposition, it is wrong to attribute two ideas or two propositions to it." It is still more wrong once to take it as a single proposition and again as two co-ordinate propositions."—K. L. Sarkar, pp. 87-8.

(*s*) See JAIMINI II. i. 47. The peculiarity--though it is sometimes a fallacy--consists in supplying the words the sense demands and making of more sentences than one of what would otherwise have constituted but one sentence. The example considered is, *Iṣe* (for the food that is desired), *tvâ* (thee), *ûrje* (for the essence or strength), *tvâ* (thee), the Mantra used in cutting and cleansing a branch of Palâśa (*Butea Frondosa*). The ellipses being supplied the sentences obtained are *Iṣe tvâ chhinadmi* (I cut thee for the purpose of the food desired), *ûrje tvâ anumârjmi* (I clean thee for securing the strength).

Therefore, even though two or three Brâhmaṇa-slaughters (have been committed), it is but proper (to hold) that there should be an observing of (the penance) lasting for twelve years, and the like (ones) only once. It is as making only once the Kṣâmavatî offerings etc. prescribed as being occasioned by house burnings etc. by the texts, "To the fire who has burnt down (the house) should be offered Puroḍâśa in eight pans," and so on, though there are occasions such as house-burning etc., only once or more than once.

(Answer). Here it is (thus) replied:

(i). Indeed when it is contradicted by the text (itself), the law (relating to a single observance of the penance) cannot stand. This text, "(Of the penance prescribed) by this rule with regard to the first (offence) *etc.*" tends, however, to (be) a rule (bringing) about a repetition of observing the penance in case of two or three Brâhmaṇa-slaughters. It being so, in being a rule (ordaining) a repetition (of penance) (*ss*), the text, by cancelling a single observance (of the penance) resulting by (that) law, can become (useful) to bring about a special line of conduct. Or else, according to the (conventions of the) Śâstras, it has no purpose to fulfil by being (but) an explanatory repetition of what would (otherwise) occur.

(ii). Nor is there (anything like splitting into) distinct sentences (expressive of different ideas), for by excluding the Brâhmaṇa-slaughters from the fourth upwards and by ordaining a repeated penance, it has the same purpose (to fulfil).

Moreover, as it is seen by the interpretive indication (to the effect that) "At the fourth (offence) there is no atonement," it is understood that the sin is heavy in proportion to the increasing of the number of Brâhmaṇas that are killed. (That is understood) likewise from the texts of DEVALA and others (which run thus): "Whatever sin comes to be (committed) without a motive, and once, it is observed by the wise who are well versed in Dharma that this atonement (holds good) in that case."

(iii). Nor can there arise by a single performance of the penance a destruction of two sins which are of different natures and one of which is heavy and the other light. Thus with regard to such (sins) of this nature,

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Evidently the point of the objector here is that the text in question should be constructed thus: If after undergoing the round of penances prescribed for an offence, if the offence is repeated then there is a repetition of an equal amount of penance for the second offence, a repetition of an equal amount of it for the third offence also and at the fourth, the expiation does not consist in such a repetition. He does not want that *Chaturthe nâsti niṣkṛitiḥ* should be a distinct sentence expressive of an independent idea, there being nothing to warrant it as of course there are two with reference to *Iṣe tvâ-ûrje tvâ*, namely, *Iṣetveti chhinatti*, he cuts it by saying *Iṣe tvâ*, and *ûrjetveti anumârṣṭi*, he cleans it by saying *ûrje tvâ*.

N. B.—This shows that it is best to construe a set of words as forming one sentence unless there is strong reason to show that it can be more than one.

(ss) S. is defective here. It reads *âvṛittiviśeṣakaraṃ*, whereas the correct reading is *âvṛittividhau idaṃ vachanaṃ pravṛitti-viśeṣakaraṃ*.

there being on account of the heaviness of the sin a (proportionate) dissimilarity of the act (of atonement) also, it is but natural that what is occasioned (by a cause) should repeat (itself) with each (recurring of) the cause (occasioning it). And in the case of Kṣâmavatî etc. offerings, on the other hand, it is but natural that on account of the sameness of the act (of atonement), there should be a single performance (of the act of expiation). Enough of dilation. 5

(iv). And (there is) the (text) which (says that) "At the fourth there is no atonement," and even that refers to sins mortal in nature, for (the text) tends to assert that there is no (adequate) penance (for the fourth 10 repetition of the sin) as the extreme heavy nature of the sin (in that case will have) surpassed (all limits). Thus in partaking of a Śûdra's food, though repeated even several times, a repetition of penance adequate enough for (removing) it might be determined, and there is no (such thing as a total) absence of penance (suited for it). (It is) with this very (idea) (that) it 15 is thus stated by MANU: "(For destroying) a whole cartload of boneless (animals) he shall perform the penance (prescribed) for the murder of a Śûdra" (XI. 140).

Twelve years' penance is only for the actual perpetrator.

402. And this observing of the vow (of penance) lasting for twelve years is (prescribed) for only the actual perpetrator 20 (of the deed), for (the term) 'Brâhmaṇa-slayer' is a denomination (applying) to him alone. But with regard to the instigator, the abettor, and so on a proportionate penance should be determined in accordance with their respective sins.

Three-fourths of the perpetrators penance for the instigator.

Among them, the instigator, whichever person who makes himself 25 liable to penance (by perpetrating the deed) he instigates, a quarter less of the penance (laid down) for him, shall (himself) perform. Thus for him (the penance is) a quarter less than (the original penance) lasting for twelve years, (that is,) (the same form of penance) lasting (only) for nine 30 years, while an abettor shall perform it half less, (that is,) (the same) lasting for six years. An accomplice (in the crime), on the other hand, shall perform one and a half times a quarter of it, (that is,) (the same) lasting for four years and a half. 35

Half for the abettor; three-eighths for the accomplice; and a quarter for him who influences the deed.

403. He who influences (suicide) shall perform a quarter (of the penance), (that is,) (the same) lasting for three years. It is with this very view that SUMANTU says, "Whenever a Brâhmaṇa, devoid of qualities, strikes himself and dies (on) being contemned, (or dies) in (undertaking) a risky act out of wrath, or on account of a house, a field, etc., (he who 40 influenced that crime) shall undertake the (same) vow (of penance) for three years, or have resort to the river Sarasvatî that has sunk into the earth, for the purpose of expiation from that sin. This is (a) decided (fact). If a Brâhmaṇa (who is) extremely devoid of good 45

When the suicide is devoid of good qualities the penance is for three years, or the like.

qualities dies on account of wrath towards another Brâhmaṇa (who is) extremely devoid of good qualities (equally), or if he dies being reviled for no reason whatever, (then) that man (who influences that crime), shall, for the purpose of expiation, undertake Kṛichchhra (penance) for three years" (*t*). 5

When he who influences is also devoid of good qualities, it is three years' Kṛichchhra.

When, again, he who influences (it) is extremely full of (good) qualities and he who commits suicide is extremely devoid of qualities, then (he who influences it) shall undertake the vow of (penance laid down for) Brâhmaṇa-slaughter for only one year, for it has been stated 10 by that (very authority) as, "And having shaved off the hair, the beard, the nails, and so on, observing Brahmacharya, (and living) in the forest, a Brâhmaṇa is purified in (the course of) one year."

When he who influences is extremely good and the suicide otherwise, the penance is for one year.

With this very hint a (form of) penance should be devised even (in the case) of accomplices, abettors, and so on (of a suicide), (that is, 15 those) who support, abet, etc. (an offence of suicide). And with regard to this devising (of the) penance the text of ÂPASTAMBA which runs thus, "And they are an abettor, an accomplice, and a perpetrator, and they participate in the result (conducive) to heaven or hell. Whoever (amongst these) contributes most (to the accomplishment of the deed), the major portion of 20 the result belongs to him" (II. xxix. 1-2), (is the supporting) basis.

404. Likewise penalty and penance (are) to be prescribed even (in the case) of those who encourage (the crime) and so on. Thus says PAIṬHÎNASI: "He who slays, he who permits, he who instigates also, he who delivers (the victim) over likewise, 25 he who encourages, he who helps also, he who explains the method, he who shelters (those about to do the act), he who lends the weapon, he who feeds those intent upon the wrongful act, he who neglects though able (to ward off the danger), he who points out the defect, and he who approves of the offence (are persons) doing wrongful 30 acts, and to them a penance suited to their ability should be prescribed, and also a proportionate penalty imposed upon them."

Various persons involved in an act.

405. And likewise although they are actual perpetrators, yet (the penance in the case) of boys, old men, and the like is only half. For says the text of AṄGIRAS: "He whose age is eighty years or also even he 35 who is a boy under sixteen, a woman, and even the diseased as well deserve only half the penance." Likewise has SUMANTU, "Either prior to the twelfth year or even above eighty, (penance is) only half (in the case) of man, and a quarter to 40 women of that (age)."

Boys, old men, women, and the diseased deserve only half the penance.

Young or old women deserve only a quarter.

(*t*) This quotation is supporting of the fact that the penance is only a quarter of it to him who influences it.

Similarly even (in the case) of a boy who has not been initiated (into Brahmacharya), the penance is only a quarter (of what is prescribed[1], for says the text of VIṢṆU, "Half (of the penance prescribed) is to be imposed upon women and likewise on the old and the diseased. A quarter should be imposed upon boys, and this is the rule in (the case of) all sins." Thus, therefore, after having established (first) (thus), "(On behalf) of a boy less than eleven years (of age) and above five years, a brother, the father, or even another who is a friend should undertake the penance," (there is this) which is (then) stated by ŚAṄKHA, "And of a boy who is younger still than he, there is neither offence nor sin, and to him there is neither punishment by the king nor penance," and even that tends to lay down (only) an absence of the whole penance (prescribed), and does not tend to establish a total absence of it. For, in the texts that have been stated without reference to any particular Âśrama as, "A Brâhmaṇa shall not be killed"; "Therefore, a Brâhmaṇa, and a Kṣatriya and also a Vaiśya shall not drink surâ"; and so on, the capacity (considered) is only (with reference) to one in whom the accidents of age is not taken into account. And next, the penance also which should be theirs should be undertaken only by the father and the like, for it is only he who is required to do good to the son and so on (*u*) by the text, "Having begotten children, (he) should perform their purificatory ceremonies, teach the Veda, and provide them with an occupation."

A fourth part to the non-initiated also.

A boy under eleven is tainted with some sin.

A father's duty to perform penance on behalf of his young child.

406. Next in that (case) where there is a concurrence of heavy and light penances when one who had acted as an abettor in a certain Brâhmaṇa-slaughter acts as a (regular) perpetrator in another, then the effect (which is of the character of an expiation) for the lighter penance relating to his having acted as the abettor and can fall within the (period of the) heavier penance lasting for twelve years or the like, is achieved by an observance of the heavier (penance itself intended for the heavier offence) (*v*). And because this is so it should not be

A light penance submerges in a heavier one of the same character and not a heavier one in a lighter one.

(*u*) S. omits *âdi*, and so on.

(*v*) The original word is *Prasaṅga*, which is defined as *anyoddeśena anyadiyasya api saha-anuṣṭhânaṃ prasaṅgaḥ*, (to observe one thing) with reference to a particular object (which observance does) also (act as) a simultaneous observance (of the same thing) with reference to a different object (though it is not intended to apply to the latter also). The idea is when an act to be performed with reference to a number of objects is of the same character, though of different magnitude, etc., then the performance of it with reference to the major object might also implicitly act as a simultaneous performance with regard to the minor objects, on account of the sameness of the time, place, and doer and require no more repetition of it with regard to the other ones. Such a thing is called *Prasaṅga*. It imports that by performing a major act a minor one which is of the same character as the major one might be dispensed with. —See JAIMINI XII. i, 1st Adhikaraṇa.

wrongly supposed (that the law of submerging of one act within another is perfectly) general, and by (following) a lighter course, the achievement of even a greater (effect) can (similarly) be (possible). For, in the (above) case, as (one act can) fall within (the) other, and with regard to the performance (of it) it needs no inference of any special feature (with regard to 5 the method etc.) (*vv*), it is understood (*w*) that the effect (relating to one act) is achieved by a performance (itself) of (another which is a heavier act). Nor can a greater course (of observance) fall within a less one, and, therefore, there need be no vague thought (that the performance) of (a less act can have within itself) the submersion (of a greater one). Nor 10 need it be asked how an absolution of the sin resulting from slaying VIṢṆU-MITRA can arise from what is undertaken for reducing the sin consequent upon killing CHAITRA, for (a penance) which is intended to (expiate the sin of) killing CHAITRA or the like cannot have the character of (being a) simultaneous observance. Therefore, just as by Âgneya and the like 15 (rites) performed either in response to an injunction promising a desirable reward or (with the object) of attaining heaven there is (also) an accomplishment of (another phase of it, namely,) of (its being) a compulsory injunction, even so is the achievement of the effect of a less penance (*x*). 20

407. Next (there is) the text of MADHYAMA-AṄGIRAS which (says), " A

(*vv*) The original has *viśeṣa-anavagama*, not inferring of a particular feature (not mentioned in a certain text). There are, however, cases wherein there is that sort of inference. For example, the rule says 'He shall offer the Charu (got ready) in eight pans intended for AGNI' in connection with Darśa-Pûrṇamâsa. Next, there is this rule: 'He shall offer the Charu intended for SÛRYA.' It is not mentioned in the latter text in what manner it should be offered, and, nevertheless, there are these interpretive indications, (1) the act of offering; (2) the vegetable source of the material to be offered; and (3) the offering meant for an only deity. These things put one in the memory of the former Vidhi on account of the identical analogy of these features and suggest that the offering in the latter case should be made as in the case of the offering intended for AGNI.—See JAIMINI VIII. i. 1-2. JAIMINI devotes the whole of the Chapter VIII for this topic, of which, however, this is the pith.

(*w*) *Uchyate*, it is declared, is another reading.

(*x*) Âgneyas are the six sacrifices that come under Darśa-Pûrṇamâsa. The injunction is *Darśapûrṇamâsâbhyâṃ svargakâmo yajeta*, he who desires the (attainment of) heaven shall perform Darśapûrṇamâsa. It has already been noted (*vide* par. 346) that though this text mentions a certain reward, it is yet a compulsory injunction that shall certainly be followed. One may attempt it because there is the promise of a certain reward, or because he is actuated by the desire of attaining heaven. He may thus not have in view the fact that it shall be performed because it is a compulsory injunction, and though he tries to perform it with either of the above purposes, yet he has all the same attended to another phase also of it, namely, he shall do it at all circumstances.

N. B.—Âgneyas form the topic of JAIMINI XI. i, Adhikaraṇas 1 and 10.

thousand cows should be bestowed, according to the rules, upon fit persons (to receive gifts), and (thus) a Brâhmaṇa-slayer can be freed from all sins certainly," and it refers to the (killing of a) Brâhmaṇa, who is engaged in a sacrifice and has (all) the qualities (to be expected of a Brâhmaṇa). And this, it should be understood, refers to him who, as laid down by the text, "But if a Brâhmaṇa, engaged in a sacrifice, (is killed), a double penance shall be undertaken," is unable to undertake a vow of penance lasting for twice twelve years, for the penance is extremely heavy, and does not refer to (a case) where the (penance) lasting for twelve years does not recur itself. For, with (regard to) it, if it is (thus) reckoned that each Prâjâpatya is to consist of twelve days, there will be three hundred and sixty Prâjâpatyas. Of course at the end of a Prâjâpatya there is an addition of three days' fast, and, nevertheless, though there is no (such) fasting here, (yet, as that penance itself) is attended with a particular form of austerity consisting of living in the forest, wearing of the braided hair, eating of products of the forest, and so on, each (period of) twelve days (has about it) the character of being equal to a Prâjâpatya (penance). And next according to this rule, "There being inability to undertake the Prâjâpatya (penance), a wise man shall make a gift of one cow; and when a cow is not forthcoming its value at least shall be made over (in gift) and no doubt (the object is achieved)," if one cow is made over (in gift) in place of every one of the Prâjâpatyas, even the (number of the) cows becomes three-hundred and sixty, but not one thousand. Thus it is fit to take the fact as described above alone.

The penance is twice the usual one when a Brâhmaṇa engaged in a sacrifice is killed.

One thousand cows might be made over in gift as an alternative for the above sin.

408. Also (there is the) text of ŚAṄKHA which says, "Having slain (a person) (y) one shall, with reference to the regular order of the Varṇas, undertake penances lasting for twelve years, six, three, and one year and a half (respectively), and at the end of them (he shall) make over (in gift) one thousand cows, half of that (number), half of that (half), and also half of that (quarter)," and tends to establish a combination of (a vow lasting) for twelve years and (the gift of) one thousand cows, and it should be understood to refer to the case of slaying an Âchârya and the like, for such (a crime is) of a very heavy nature. Even so after laying down that "A gift made to a Brâhmaṇa who neglects his functions (brings out) a normal (amount of good) result, twice that (if made) to (one) appearing (to observe the duties of) a Brâhmaṇa, one hundred-thousandfold (if made) to an Âchârya, while that given to a Śrotriya (produces) endless merits," DAKṢA makes the statement, "A normal (amount), twice, a thousandfold,

Twelve years' penance and the gift of one thousand cows for slaying an Âchârya.

(y) The present reading has the approval of Bâlambhaṭṭî. S. reads *Vipraṃ pramâpya etc.*, having slain a Brâhmaṇa, etc. D. and N. have *Pûrvavat amatipûrvaṃ vipraṃ pramâpya etc.*, having, as aforesaid, slain a Brâhmaṇa unintentionally, etc., but N. suggests that this portion is spurious by enclosing it within brackets.

and endless are the particular (amount of) merits of a gift (to these), and indeed, (the sin) is exactly similar for causing pain (to them)." Likewise (a penance) to last for twelve years having been prescribed by ÂPASTAMBA, it has been stated (thus) with regard to this very matter: "If he has slain a Guru or a Śrotriya he shall observe this very (typical) vow (of penance) till his last breath" (I. xxiv-24). With regard to that, it should be noticed, that this combination of gift-making and observing penance is with reference to him, who has much money, and, when the vow (of penance) has to be repeated as long as life (lasts), and the (observed portion) is reckoned to have reached to thrice or even four times that (prescribed to last for twelve years), becomes unable to observe it (any more). We propose to take up later on a settlement of the penances (that are) prescribed by SUMANTU and PARÂŚARA, and (are) different from the (typical) one lasting for twelve years.

409. (Objection). Well, how does (the fact that there can be) a settlement between the alternative (courses) is decided? It is not proper (to say that it is) on account of the texts laying down the (penances) lasting for twelve years and so on (with reference to particular offences), for such (texts) are not heard of. Nor should it be said that a settlement is determined so that there may not be a conflict between the arduous and easy courses (of penances) found in the authoritative texts, for the conflict can be easily removed only if they come under any one of (these), the case of alternativeness, the case of combination, and the case of mutual supplement.

(Answer). It is (thus) said here (in reply). In fact of the different courses (of penance), (the vow of penance) lasting for twelve years, the visiting of the (Rama's) bridge, and so on, no rule of alternativeness is recognized, for, if they come under the case of alternativeness, there is no possibility of the arduous course being observed, and it would result in its becoming useless. Nor should it be said that as in the case of using the Ṣoḍaśin vessel or not using (of it) (z) there can be an occurrence of the case of alternativeness even between two (irreconcilably)

(z) When there is a direct conflict between the texts, there are three ways of construing them, (1) exception, (2) Arthavâda, and (3) total prohibition. As an example of the first we can take, 'He shall not look at the sun' and 'He shall not look at the rising sun,' and of the second, 'He shall not perform the two (Âjyabhâgas) when a Paśu ('sacrificial animal') (is offered), and 'Nor at a Soma sacrifice.' It is as an example of the third that the using or not using of the Ṣoḍaśin vessel is cited.

There are two statements He shall use the Ṣoḍaśin vessel at the Atirâtra' and 'He shall not hold the Ṣoḍaśin vessel at the Atirâtra.' This is an instance of total prohibition which is defined as, 'A prohibition (consists in recalling what) has been enjoined' (JAIMINI X. viii. 6). It is not possible to call this an exception, for there is nothing to connect the two (as such) as (by taking), 'He shall hold the Ṣoḍaśin vessel at the Atirâtra other than the Atirâtra.' Nor can it be any Arthavâda whatever, and, therefore, the second statement only establishes that the Ṣoḍaśin vessel shall not at all

conflicting (courses). For even with regard to that (question of Ṣoḍaśin vessel) it is but proper to hold that it shall certainly be used if that is possible (*a*), or it should be construed that by the rite of Atirâtra whose excellence is enhanced by the using of Ṣoḍaśin vessel, there is a quick attainment of heaven or (attainment) of heaven (with an) exalted position, 5 or else there would be a question of uselessness of the rule that it shall be used (at all). Nor is it a case of combination. No (case of) combination can be possible unless there is an occurrence of the extension of the injunction, for there would be a question of annulling what does not (at all) come within the purview of the injunction. Nor is it a case of mutual 10 supplement, for there are no Śruti etc. determining the appplieation.

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be used. It is true that a positive injunction and a prohibitory rule cannot conflict each other, but on the authority of the texts themselves, what is a prohibitory rule comes to exist having rendered the positive injunction ineffectual, and even the positive injunction the prohibitory rule. And in case it is urged that no course whatever is left, a supposed construing is recognized that when there is no prohibition there is the positive injunction, and when there is no positive injunction there is the prohibition. It is true that the positive injunction as well as the prohibitory rule occur in all cases simultaneously, but it has already been said that the present interpretation is on the authority of the texts themselves and the supposed construing is on account of their irreconcilable nature. And, therefore, with regard to the ritual procedure, when one course is adopted, the other too cannot be taken, and hence, the result is achieved by following either of the courses. It may be urged that this conflict is to be recognized when no other course whatever is left, and the answer is, it is true that this means an irreconcilable conflict, and, nevertheless, the achievement of the effect aimed at is inferred from the authority contained in the texts themselves, and hence there is no fallacy. Only where there is any other possible way of construing the texts, there certainly is no course of alternativeness.

N. B.--This is the 3rd Adhikaraṇa of JAIMINI X. viii, while the cases of exception and Arthavâda with regard to negative commands are treated of in the 1st and 2nd Adhikaraṇas respectively.

See Śatapatha Brâhmaṇa IV. v. 3. The following note by Prof. Eggeling may as well be noticed : "He now proceeds to consider another libation which, with its accompanying Stotra and Śastra, forms the distinctive feature of the Ṣoḍaśin sacrifice, *i.e.*, the one having sixteen or a sixteenth (hymn). This sacrifice also requires a third victim on the press-day, *viz.*, a ram to INDRA. By the addition, on the other hand, of the Ṣoḍaśin Graha, with its chant and recitation, to an ordinary Agniṣṭoma, another form of one day's (Ekâha) Soma-sacrifice is obtained, *viz.*, the Atyagniṣṭoma, or redundant Agniṣṭoma, with thirteen Stotras and Śastras. This form of sacrifice is, however, comparatively rarely used, and was probably divined on mere theoretic grounds, to complete the sacrificial system. A somewhat more common form is the Atirâtra, lit. 'that which has a night over and above' differing as it does from the Ṣoḍaśin in that—besides a fourth victim (a he-goat to Sarasvatî) –it has in addition a night performance of libations, with three rounds (Paryâyas) of four Stotras and Śastras each (one for the Hotṛi and for each of his three assistants), and concluding at daybreak with one more Stotra, the Sandhi (twilight) Stora, and the Aśvina Śastra and offering......................."

(*a*) S. repeats here the two above sentences which evidently is a mistake. The errata to it does not notice the fact either.

Śruti ('Absolute text'), Liṅga ('Interpretive indication'), Vâkya ('Syntactical connection'), Prakaraṇa ('Mutual relation'), Sthâna ('Position'), and Samâkhyâ ('Concept') are the factors determining the application of the texts (*b*). Hence to remove a mutual conflict (between the texts) it is

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(*b*) See JAIMINI III. iii. 1-14.

It has been rightly said that these principles "form the backbone of the Hindu system of interpretation," and whatever text we are interpreting we involve the one or the other of these principles. It is, therefore, necessary to have some idea of these and also which of the principles is to be preferred when there is a conflict between any two of them.

1. *Śruti* ('Enunciation' or 'Absolute text') is a statement so made as to have all its component words so related as to give one complete, self-evident, and unambiguous meaning, and requiring the aid of nothing else to interpret it. No attempt should be made to strain or twist its meaning.

2. *Liṅga* ('interpretive indication') is the significant force of some other word or expression in the light of which the meaning of a word or the import of a proposition which is not clear in itself is to be brought out.

3. *Vâkya* ('Syntactical connection') is the taking of one clause which, though is apparently a complete sentence in itself, with another in order that it may yield a satisfactory sense.

4. *Prakaraṇa* ('Context' or 'Mutual relation') is the taking of one sentence or clause, which looks isolated and the purpose etc. of which is not clear in itself, with some other text, often appearing in the midst of a different topic, so as to make its import clear and complete. (See JAIMINI III. iii. 11).

5. *Sthâna* ('Position') or Krama ('Order') is the relative position of the texts denoting the order of sequence in which they are to be taken in order that the acts, things, etc. they denote may come one after the other in right regular succession. (*ib.* III. iii. 12).

6. *Samâkhyâ* ('Concept') is a name or expression, etymologically or otherwise significant, found in a passage, which is apparently isolated, and which is thereby connected with a certain topic suggested by it. (*ib.* III. iii. 13).

N. B.—These definitions are not absolute and the following discussion points out other peculiarities as well as suggest examples. It should also be noted that 'Śruti' here is not used to signify a Vedic text, and the other terms should also be distinguished from their grammatical or other usages.

Now it must be considered which has the stronger force when the above principles overlap. The Sûtra says "*When Śruti, Liṅga, Vâkya, Prakaraṇa, Sthâna, and Samâkhyâ overlap, each next mentioned (is) weaker than the one preceding it, for that far-fetches the import (of the text more and more)* (JAIMINI III. iii. 24). A proposition can have only one import, and as more than one of them cannot, therefore, assert their power simultaneously, it must be ascertained which prevails when any two of them overlap.

1st. In a case where Śruti and Liṅga overlap which is it that has the stronger force, Śruti or Liṅga? The example considered here is, 'One shall make Upasthâna ('attending obeisance') to Gârhapatya with the Aindrî ('relating to INDRA') (Rik)'. It is matter of reflection here whether attending obeisance might be made to INDRA or to the Gârhapatya Fire without any restraining rule, or it must be made to the Gârhapatya Fire itself. If, however, the two principles, Śruti and Liṅga, are of the same force then it is a case of alternativeness and attending obeisance might be made to INDRA or to the Gârhapatya Fire at one's own option, or if Śruti can prevail attending obeisance is to be made to the Gârhapatya Fire itself.

but proper to establish a settlement (of things) to (which the texts) refer. And even such (a settlement) can be devised with reference to the caste,

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This leads us to the consideration of what Śruti is and what Liṅga. Śruti is a direct mention of a fact by an absolute text, and is here the mention of the word 'Gârhapatya;' and Liṅga is the significant force of the word 'INDRA' which is capable of settling the particular deity and occurs in the following Mantra which is employed in making the attending obeisance: 'Never dost thou do harm, O INDRA, but art favourably disposed towards him who makes (thee) an offering.' Next we have to know what Vâkya is, and Vâkya is that which joins words together so as to communicate one complete idea. Some contend at this point as follows: 'If you admit this definition of Vâkya, then even this, namely, "One shall make attending obeisance to Gârhapatya with the Aindrî (Rik)" is also a Vâkya, and so is even this, "Never dost thou do harm, O INDRA, but art favourably disposed towards him who makes (thee) an offering,' for in these two cases also words are joined together so as to give one complete idea: Then you have to consider that this is a conflict between one Vâkya and another and find out which prevails, and thus you cannot regard this to be a conflict between Śruti and Liṅga. Or you have to discriminate between Śruti, Liṅga, and Vâkya by first finding out what the difference is between Śruti and Vâkya and what between Liṅga and Vâkya.'

We have to meet the above objection as follows: The significant force of a word or expression which, being other than its own intrinsic denotation or import, can throw light upon some other word or expression so as to help the right interpretation of it is Liṅga, and that communication of import which is cognised from the very enunciation of a proposition, requiring the aid of nothing else, is said to have been cognised from Śruti. Śruti is so called because it is Śravaṇa ('listening'), and it has already been said that a set of words so united as to give one complete meaning constitutes a Vâkya. All these three characteristics are found collectively or severally in all logical propositions, and in the present case, however, the fact that with the Mantra, 'Never dost thou do harm *etc.*' attending obeisance is to be made to INDRA is inferred from the employing of no particular word whatever, nor is there any other word which is used in close proximity with it, and by the significant force of which that fact can be inferred. In this Ṛik, however, there occurs the word 'INDRA,' which is capable of arousing the cognition of a partcular deity, and there can be a purpose served by an arousing of such cognition. Therefore, we can understand that as the word 'INDRA' is employed in it, that Mantra should be utilized in making attending obeisance to INDRA, and all the remaining words in it only go to make one Vâkya with it. And that the attending obeisance is to be made to the Gârhapatya Fire does not accrue from the significant force of any word whatever in this Ṛik, and if we have recourse to the Gârhapatya Fire, it is on account of the bare mention of the word 'Gârhapatya' in the first proposition and not on account of any Liṅga. Now the question reduces itself to this, that if Liṅga has the prevailing force then attending obeisance is to be made to INDRA, and if the direct mention of the word 'Gârhapatya,' then to the Gârhapatya Fire itself.

Now then, another difficulty arises that it is Liṅga and Vâkya, not Śruti and Liṅga, that clash here, and we have to find out which of them prevails. If Liṅga has the stronger force then on account of the significant force of the word 'INDRA' which is capable of pointing to a particular deity we have to make attending obeisance to INDRA, or else if Vâkya prevails, we have to make attending obeisance to the Gârhapatya Fire. This namely, 'One shall make attending obeisance to Gârhapatya with the Aindrî (Ṛik)' is indeed Vâkya. We have to get over this difficulty by saying that it is not exactly so, and although this is Vâkya, yet there is Śruti present in it and it is just that

ability, quality, etc. (of the doer). For says DEVALA, "With due regard to the caste, ability, and quality (of the doer) and likewise having

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Śruti that comes into conflict with Liṅga and not that which goes by the name of Vâkya. Notwithstanding the stronger position of Liṅga, the portion 'one shall make attending obeisance with the Aindrî (Rik)' does enter into one Vâkya with the word 'Gârhapatya' and if indeed, it cannot enter, then it were possible that it could be controverted by Liṅga. Next the idea which is communicated by the very mention of the word 'Gârhapatya' will have to be dropped if Liṅga has the stronger force, and will cease to have any connection with the attending obeisance that has to be made, for in that case, the word 'Gârhapatya' comes to denote either INDRA or the proximity of the Fire. On the other hand, if we rely on Śruti it can successfully controvert the making of attending obeisance to INDRA, a fact pointed to by Liṅga. Therefore, we hold that the present is a conflict between Śruti and Liṅga themselves. Or viewing the matter differently, since these two propositions have not the syntactical connection the noumenon of either INDRA or Gârhapatya might prevail in connection with the attending obeisance, for as the Mantra contains the word 'INDRA' the noumenon of INDRA might prevail, and as in the other proposition the word 'Gârhapatya' is in the accusative case, the noumenon of Gârhapatya might prevail. Therefore also it is a case of conflict between Śruti and Liṅga.

This fact being settled the next question is which prevails in the conflict. The argument for the objection is that these factors have an equal force, for both Śruti and Liṅga are discriminating principles, and so far as their character is concerned it is hardly possible to find out any difference between their deciding powers. The objection notices the fact that the character of the Liṅga is more or less of a fleeting kind, for wherever reliance is placed on a fact suggested by Liṅga it is always subject to a certain amount of uncertainty while there is no uncertainty whatever with regard to Śruti, but dismisses the fact with an observation that, if the inference from Liṅga were subject to uncertainty, then we need not at all discriminate between the prevailing forces of Liṅga as well as of Śruti, and it is only because that there is an absolute certainty with regard to what is ascertained by Liṅga, it can have as sound a footing as Śruti and can claim alternativeness with it. It also notices the fact that never can there arise an absolute certainty of fact with regard to what is ascertained by Liṅga, but rejects it by saying that, if that were accepted, then no such reliable source of knowledge as Liṅga can ever be recognised, and Liṅga should have no place whatever among the principles of interpretation.

An intraobjection may be stated as follows: 'Be it as it is if it is not a reliable source of knowledge, but there certainly hovers some uncertainty about what is ascertained by Liṅga. Or why? That it is not a reliable source of knowledge is undoubtedly quite clear, for all that can be expected of Liṅga is that it is significant enough to suggest a particular notion, and what is incapable of denying the denotation of something else in another text is not at all able to deny that fact when that text is altogether removed from consideration. Thus it is wrong to say that Liṅga is an interpretive principle.' This must be met as follows: Whatever fact is mentioned by an authoritative text in close proximity of a notion which has some logical connection with it, that is certainly taken to throw some interpretive light on the other. It is serviceable in this way that its significant force produces an absolute certainty with regard to the denotation of the other, and wherever it has that significant force enough in all such cases it is capable of settling the actual import. Therefore, Liṅga is a reliable source of knowledge.

The objection now urges thus: Because Liṅga is a reliable source of knowledge, it

determined, (whether the act is done) once or voluntarily and the necessary element etc., (attending the act) a course of penance should be devised."

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is no reason to suppose that it can deny the intrinsic denotation of some other word or expression found in the Śruti. Therefore, the proper course is to regard that these two interpretive principles are of equal force, and on account of the Liṅga of "Never dost thou do harm *etc.*," attending obeisance is to be made to INDRA, and on account of Śruti to the Gârhapatya Fire. Moreover, they assert that this alone is the import, for there is no inconsistency, and a reason, though strong in itself, can defeat a weaker only when they are incompatible and not even though there is no inconsistency. But in the present case there is no inconsistency whatever, and with that same Mantra attending obeisance might be made to INDRA and to the Gârhapatya Fire as well. It might be supposed that there is inconsistency inasmuch as a single attending obeisance is prescribed by the text, and to do it oftener does not stand to reason, but they answer that that might be so but surely it is not fallacious here as the two attending obeisances are not identically the same to call it repetition, and as with each principal act all its concomitants are to recur the same Mantra as was once used to make attending obeisance to INDRA is again employed in making attending obeisance to the Gârhapatya Fire. It might again be urged that there is inconsistency still inasmuch as that, when attending obeisance is to be made to the Gârhapatya Fire, the word 'INDRA' denotes a certain Sacrificial Fire, and to do so it assumes a secondary sense or even calls forth the aid of the act which is being performed, and when attending obeisance is made to INDRA, it denotes INDRA alone and is quite independent of anything else, and when secondary and primary senses come together, reliance is to be placed on the primary one itself. Even this they do not admit and say a secondary sense can be rendered ineffectual by the primary one only when there is a conflict, a conflict there is none here for that necessitates a simultaneous concurrence, and the word 'INDRA' denotes a Sacrificial Fire with reference to one act and the deity INDRA with reference to a totally different one. On these grounds they assert that these two interpretive principles are of equal force.

If this is the position of the objection the following is our answer: Between Śruti and Liṅga, Śruti itself has the stronger force, for Liṅga far-fetches the import of the text to the exclusion of the one that is most apparent. Now the idea that one shall make attending obeisance to the Gârhapatya Fire follows close from Śruti, and the other that the attending obeisance is to be made to INDRA is a far-fetching of the text. There is no text laying down that with the Mantra, 'Never dost thou do harm *etc.*,' attending obeisance is to be made to the deity INDRA, and although the significant force of something else points out that 'Gârhapatya' is to be interpreted as meaning INDRA, yet it is inferred that no attending obeisance should be made to INDRA as there is no text whatever to the effect. It might be cited that it is elsewhere proved that one thing is to be regarded as an essential auxiliary to another inasmuch as there exists a logical connection materially between the two, and the interpretation of one thing is to be settled in the light of the significant force of the other. That is true, but there is no such thing here, and, moreover, it has also been pointed out the expressive character of one thing depends upon the word or expression employed, and an expressive character not based upon a word or expression is to be rejected as unnecessary. And in the present case neither the character of Liṅga nor that of Prakaraṇa is based on any word employed, and with regard to deductions of this nature, which are other than what are most manifest, nothing but the words employed is recognised as helping the decisive interpretation. Thus, we infer that Liṅga is more remote than the meaning communicated by Śruti.

410. (The sage now) lays down a limit of termination of the (course of) penance consequent upon a Brâhmaṇa-slaughter etc. (as) described above, by an act (done) at (certain) occcasions:

CCXLIV. By saving (the life) of a Brâhmaṇa or (the lives) of twelve cows or likewise taking part in the 5

If this is admitted, urge some an objection, even there where no Śruti is opposed to Liṅga, the decision with regard to the actual import cannot come through Liṅga, for in that case Liṅga itself cannot be reliable in being a diverging principle, and whence then can it come that Śruti is contradicted by it when there is no necessity at all to discriminate between the prevailing characters of Śruti and Liṅga ? We have to meet this in this way : There is a certain import which is logically connected with another but is wanting in some detail, and in close connection with it there is a Mantra which, on account of the significant force it derives from being an authoritative statement, fills the wanting place of the above Vâkya which is evidently defective and adds to the former import a fresh notion that with such and such a Mantra the worship is to be conducted. It amounts to say that in securing the desired effect through the Yâga ('sacrifice' or 'worship'), this Mantra must be used, and because it is done so this Mantra need not cease to communicate some idea about INDRA and in fact it must continue to communicate the idea of INDRA. Therefore, this import too is consequent upon Śruti itself. Some raise an objection here that if that import has its basis in Śruti itself, then it cannot be controverted by anything other than Śruti, and, therefore, we have to accept that either Liṅga is no reliable source whatever of knowledge, or it forms an alternative with Śruti. The answer is it is neither no reliable source of knowledge nor does it take a position of alternativeness. It has been established that this import has the character of Śruti about it, and hence it is no question of no reliable source of knowledge. Had this import of Śruti depended upon the syntactical connection which is inferential and also upon the significant force of Liṅga, then it could have been understood that attending obeisance is to be made to INDRA with this Mantra. But the import that attending obeisance is to be made to the Gârhapatya Fire is obvious and, therefore, that meaning is far-fetched. Liṅga is to be first understood and then in the light of its significant force this new meaning can come to be communicated by the word employed, but this fact is not admitted when it is directly opposed to Śruti. Now it is quite clear that the attending obeisance is to be made to the Gârhapatya Fire and it is also conclusively known that the Mantra in question becomes an auxiliary to it ; and in the face of this knowledge, Vâkya and Prakaraṇa, which might have some significant force, are of no consequence to communicate the notion that the word in question points out that the attending obeisance is to be made to INDRA. Therefore, we affirm that for the reason of not far-fetching the meaning, Liṅga is controverted by Śruti.

Next, it is not justifiable either to regard that Liṅga can occupy an alternative position with Śruti ; for if it were so what is not existent in one case becomes a necessary fact in the other. Now in the Śruti 'He shall make attending obeisance to the Gârhapatya with the Aindrî Ṛik,' what is regarded as non-existent, (that is, attending obeisance to INDRA,) is affirmed when the alternative significance of Liṅga is recognized. The new fact does not result from Śruti while what is pointed out by Śruti is controverted, and the fallacy is much the same in dropping an idea resulting from Śruti as in affirming what is foreign to it, inasmuch as in either case it is opposed to the naturally conventional sense. Thus, as the case of alternativeness is improper, let us hold that of Śruti and Liṅga, Śruti itself prevails.

And lastly to the point that is raised as that one thing can be controverted when

bathing at the conclusion of a horse-sacrifice (performed by another), one can be purified.

He who, at the risk of his own life, saves the life of even one Brâhmaṇa who is about to be killed by thieves, tigers, or the like, or (even the lives) of twelve cows is purified though (his course) of twelve years' penance remains incomplete as yet. Of course, though he tries to save the life and dies without having accomplished it, he is,

Saving the life of, or dying for, a Brâhmaṇa or cows terminates the penance.

there is inconsistency and that there is no inconsistency here. An inconsistency there is here, namely that where Vâkya and Prakaraṇa remain without any significant force, the Śruti points out the fact that attending obeisance is to be made to INDRA while when they do possess it no such idea can be communicated, and it is not possible that Vâkya and Prakaraṇa once possessing a certain significant force and once not possessing it can ever occur together. Thus there is inconsistency, and there being inconsistency Śruti prevails over Liṅga.

2nd Next with regard to the conflict between Liṅga and Vâkya. The example given here is, 'I make a seat for thee and render it well enjoyable with the pouring of ghee: Occupy that and establish thyself immortally, O pith of rice, with a composed mind.' The question here is whether the whole Mantra is to be employed in spreading the ritual seat as well as in placing the Puroḍâsa on it, or the portion ending with 'render it well enjoyable with the pouring of ghee' in spreading the ritual seat, and the remaining portion, 'Occupy that *etc.*' in placing the Puroḍâśa on it. If Vâkya prevails then the whole Mantra is to be employed in both cases, for 'Occupy that *etc.*' is dependent upon 'I make a seat *etc.*' and is incorporated into one Vâkya with the portion preceding it. Or if Liṅga has the stronger force, then the portion ending with 'I...render it well enjoyable with the pouring of ghee' is enough to point out the spreading of the seat, and the portion, 'Occupy that *etc.*,' which clearly points to the placing of the Puroḍâśa vessels on it is to be employed in arranging the Puroḍâśa vessels on it.

The argument for the objection is that these two interpretive principles are of equal force, and just as the prevailing feature of Śruti over Liṅga was described it cannot so be said with regard to Liṅga over Vâkya, or why? Vâkya alone has the stronger force inasmuch as Liṅga has already been seen to be controverted by Śruti and no principle which has force in itself can be controverted. Thus we assign a fleeting character to Liṅga, for what is possible to be controverted by one thing can also be controverted by another.

The argument for the reply begins by affirming that of Liṅga and Vâkya, Liṅga itself has the stronger force, and the reason adduced is the import should not be far-fetched. As it is stated in close proximity with another which has some logical connection with it, it is inferred that this Mantra is an accessory to Darśapûrṇamâsa, and as the portion, 'Occupy that *etc.*,' has the significant force pointing to the arrangement of the Puroḍâśa vessels, the citing of the Mantra has all its significant force exhausted in being used for the arrangement of Puroḍâśa vessels, and, therefore, there is no sanction of authority whereby it can also be employed for the spreading of the ritual seat. Similarly 'I make a seat *etc.*' is also an accessory to Darśapûrṇamâsa on the very strength of its being cited in connection with Darśapûrṇamâsa, and on account of its significant force itself, has its purpose served by being employed for the spreading of the ritual seat, and cannot further be employed for arranging the Puroḍâśa vessels, or

nevertheless, certainly purified. Thus, therefore, the saving of a Brâhmaṇa and the death as well for that purpose have been differently stated by MANU (thus): "He who unhesitatingly abandons life for the sake of Brâhmaṇas or of cows, is freed from (the guilt of) the murder of a Brâhmaṇa, and (so is he) who saves (the life of) a cow or of a Brâhmaṇa" (XI. 79). 5

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at least there is no purpose served by its being again employed for that purpose. Thus 'Occupy that *etc.*' has no power to claim its being employed in the spreading of the ritual seat, and likewise 'I make a seat *etc.*' also in the arrangement of the Puroḍâśa vessels. The second part to be syntactically connected with the first to make it significant enough to point to the spreading of the ritual seat, and the first part to be syntactically connected with the second to make it significant enough to point to the arrangement of the Puroḍâśa vessels, while the second and first parts do not respectively point out to these in their intrinsic character,—this we call a far-fetching of the meaning.

The first part, 'I make a seat *etc.*,' has the significant force obviously pointing to the act of spreading the ritual seat, and that is the primary sense. But when the part, 'Occupy that *etc.*,' is syntactially connected with the first part, then it loses its intrinsic import and becomes degraded. That the first part of the Mantra is to be employed in spreading the ritual seat results from the expressive nature of the significant force itself, and thus the expressive power the Liṅga derives from the absolute text is in close relation with it. But with regard to the second part the significant force to point to a particular fact should first arise and then the import the absolute text can communicate come in, and thus it is a far-fetching within the Liṅga itself. Similarly in the case of the second part, it is in close relation with regard to the arranging of the Puroḍâśa vessels and of the first part (to point to it) it is a far-fetching within the Liṅga. Therefore, as the import would be far-fetched, Liṅga itself has the greater force than Vâkya. The expression 'seat well enjoyable' is of course the antecedent necessitating a connection with the second part and thus might as well be employed in arranging the Puroḍâśa vessels, and, nevertheless, it should be detached and reserved for employing only in spreading the ritual seat, and likewise 'Occupy it *etc.*,' in arranging the Puroḍâśa vessels.

Some construe that just as the expression 'seat well enjoyable' can have the significant force to point to the spreading of the ritual seat, exactly so can it have significant force to point to its syntactical connection, it is the significant force itself that is called Liṅga, and, therefore, if the sentence is broken Liṅga itself comes to be destroyed. It is true that the other thing is also Liṅga, and although Liṅga, yet, in being of this nature, it has certainly a far-fetched import. Liṅga should give rise to syntactical connection, thence should come the significant force pointing to the particular fact, and through that the import of what would be rendered an absolute text, and thus the meaning is far-fetched. And the far-fetching of meaning is the reason of non-admission and, therefore, the first part can have no syntactical connection with the second, and similarly 'Occupy that *etc.*,' which forms the second part with the first part. Morever, there is no visible purpose whatever served by connecting syntactically the first part with the second, but to unite it with the spreading of the ritual seat has a visible purpose, the texts ordaining the spreading of the ritual seat as well as the arranging of the Puroḍâśa vessels. The same holds good in uniting the second part with the arranging of the Puroḍâśa vessel and it should not for the reason above said be connected syntactically with the first part. And besides there is no such thing as

Likewise when a horse-sacrifice (is undertaken) by another and at the time of bathing rite which is a necessary appendage to the sacrifice and is called Avabhṛita, he too might take part in the bathing and be purified from (the sin of) Brâhmaṇa-slaughter. And the bathing he should perform confessing the sin with which he is tainted. 5

Or taking part at the concluding bath of a horse-sacrifice terminates the penance.

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that the first and second parts cannot stand separate and serve their respective purposes. Therefore, the first part should be set apart for the first act, and the second for the second.

Lastly with regard to the point that because Liṅga is controverted by Śruti also therefore it is not wrong to hold that it can be controverted by Vâkya too, all that can be said is that it is not so, and it is not right to regard that, because one thing is controverted by another, it must necessarily be controverted by some other thing also. One thing which is controverted in one place must still be treated as potent where it can assert itself over all the rest elsewhere, and, therefore, Liṅga which is certainly far-fetching of meaning compared to Śruti, does, nevertheless, give a closer meaning when compared to Vâkya. Thus Liṅga has the stronger force than Vâkya.

3rd Now how does it result when there is a conflict between Vâkya and Prakaraṇa? Prakaraṇa is the statement of a fact which, being logically connected with another denoting a certain act but wanting in some detail, supplies that detail. Vâkya of course has been dealt with. The example here considered is what is called Sûktavâkya which runs thus: 'AGNI and SOMA enjoyed this Havis, throve, and produced increased radiance in the sacrificer. INDRA and AGNI enjoyed this Havis, throve, and produced increased radiance in the sacrificer.' Here the Paurṇamâsî deities as well as Amâvâsyâ deities have been referred to by the sacred texts, and they do not mutually go together to form one sentence. There on account of the significant force of Liṅga the expression 'INDRA and AGNI' is to be detached from the Pûrṇamâsî procedure and employed in that of Amâvasyâ. Now then the question is whether we are to hold Prakaraṇa as having prevailing force and employ the remaining portion (after 'INDRA and AGNI'), 'throve and produced increased radiance in the sacrificer,' in both the procedures of Pûrṇamâsî and Amâvasyâ as many times as it occurs in the Sûktavâkya, or regard Vâkya itself as having the stronger force and employ that remaining portion in the very procedure with which the detached portion 'INDRA and AGNI' was united.

The argument for the objection is that the principles of Vâkya and Prakaraṇa that clash here are of equal force for there is a demand on it to supply the wanting portion even in the other case. When the demand to supply the wanting portion is of the same character in either case it cannot lean on the side of one and help a settlement of one fact to an only case. Or otherwise, we might take that Vâkya itself is of weaker force for that has been seen controverted by Liṅga.

The argument for the reply begins with an affirmation that on the ground of not far-fetching the meaning, Vâkya itself is to be held as possessing a stronger force. With regard to Vâkya every word taken separately demands the association of the other words to give one complete sense, while all of them taken together give one complete sense. In the case of that that there is not one whole Vâkya ('sentence') is quite obvious, but in the case of Prakaraṇa it is not so obvious. A set of words, though wanting in some detail, does yet give one complete idea, and another set of words occurring in close proximity with it and giving one complete sense may supply that detail, and thus it is inferred that though the two may not enter into Vâkya, they do, nevertheless, supplement each other's communiatcing ideas. It is thus determined that the significant

Even so has MANU: "Or he who after confessing his crime in an assembly of the gods of the earth and the gods of men bathes (with the persons engaged) at the close of a horse-sacrifice, is (also) freed from (sin)" (XI. 82). The gods of the earth are the Brâhmaṇas (who have officiated as) Ṛitviks (in the sacrifice), and in the assembly (consisting) of 5 them along with the god of men, (that is,) the king (who is) the author of

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force of Vâkya is to be first settled, and that should lead to the supplementing of the individual complete ideas. The far-fetching of the meaning occurs in this sense that the idea communicated by Vâkya is the nearest that can follow from a proposition without the aid of other ones, while that of Prakaraṇa is more divergent. Thus when it is stated in connection with Darśapûrṇamâsa that 'He shall throw the fistful of Kuśa grass (into the Fire) with the Sûktavâkya,' the first thing to be done is that the word denoting the Paurṇamâsî deities and those denoting the Amâvâsyâ deities should be determined, and so also the respective set of words after the two sorts of words above stated are detached, and then the ritual procedure gone through. By doing so it is of course inferred that, on account of the significant force of Prakaraṇa, the set of words remaining after the words denoting the Paurṇamâsî deities are detached enter into one Vâkya with the words denoting Amâvâsyâ deities, but we can directly see that it is the words that remain after the words denoting the Amâvâsyâ deities have been detached that enter into one Vâkya with the words denoting Amâvasyâ deities. And in the presence of direct proof no inferential one is preferred, and, moreover, although Prakaraṇa may communicate its own idea, yet it is not possible to construe that propositions complete in themselves require supplementing still.

Now with regard to what was urged that inasmuch as it was controverted by Liṅga also, so Vâkya should be controverted by Prakaraṇa too, we answer that it must not be inferred that because one thing is controverted by another, it must be held fleeting in any other case. Or if it was of a fleeting nature universally, it could never have been recognized as a reliable source of knowledge. One thing has its superior force only with respect to particular things, and Vâkya can have controverting force with respect to Prakaraṇa and not with respect to Liṅga, and compared to Liṅga Vâkya far-fetches the meaning, but compared to Prakaraṇa it yields a closer meaning. Thus we conclude that Prakaraṇa is controverted by Vâkya.

4th Now with regard to conflict between Prakaraṇa and Krama (or Sthâna): Râjasûya is a sacrifice involving several co-ordinate sacrifices, Paśus, Iṣṭis, and Somayâgas, all of them being principal acts. Abhiṣechanîya is one of those Somayâgas and in close connection, as it were, with it playing with dice etc. are prescribed thus: 'He shall play at dice, he shall conquer kings, and he shall cause the episode of ŚUNAŚŚEPA recited.' Now what suggests itself is that if Prakaraṇa has the stronger force this set of acts is essential to all the principal sacrifices and if only Sthâna or Krama to Abhiṣechanîya alone.

[*N. B.*—The episode of ŚUNAŚŚEPA occurs in Bahvṛicha-Brâhmaṇa.]

The argument for the objection consists of the two usual points, first that these two principles are of equal force, for we can hardly find out any particular fact whereby we can infer that one of them can prevail over the other, and, second, that Prakaraṇa has been seen controverted by Vâkya and, therefore, it can also be controverted by Krama.

The argument for the reply is this: On the ground the meaning should not be far-fetched it shall be held that Prakaraṇa itself prevails over Sthâna or Krama. It is the import resulting from Prakaraṇa that demands completion, and,

the sacrifice, he shall proclaim his guilt, and is purified by bathing (with them) at the close of the horse-sacrifice if (he is) permitted by them (to do so). For says the text of ŚAṄKHA: "He should resort to (the place) where a horse-sacrifice is being concluded and bathing there at (their) permission, he is rendered pure forthwith." 5

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therefore, one thing stated in connection with it, does, though complete in itself, form one Vâkya, as it were, with it, and not that stated in Krama with another that has Krama. For Krama is that which, when several things are to be enunciated, is but to enunciate a proposition with reference to a particular fact. In such a case it must be understood that on account of the significant force of what is enunciated in close relation to a particular fact, similar things have not been enunciated with reference to other things is in itself sufficient proof that such things are necessary to supply similar wanting facts in the case of the rest. In the case of Prakaraṇa that one proposition thus stated can be taken to supplement to entire import (of Prakaraṇa) could be seen directly, and it is not possible that a single proposition could make one Vâkya, as it were, with the entire import of Prakaraṇa, and at the same time with what follows in Krama, and thus there is a clash between the two. There is direct perception there that the import of Prakaraṇa demands being supplemented by the proposition thus stated and can it thus controvert Krama which is of an inferential character. In supplying what is wanting the proposition must form one Vâkya, as it were, the significant force to communicate a fact must proceed from such oneness of Vâkya, and from the significant force must result an intrinsic import necessitating the aid of no other text, and thus the import of Krama is far-fetched. Thus between Krama and Prakaraṇa, Krama itself has the stronger force. We may dismiss the other point of objection that because Prakaraṇa is controverted by Vâkya also, therefore, it must be controverted by Krama too with the remark that it is not so, and it is proper to recognize that one thing does prevail over the rest where it can and not what is once controverted must be controverted everywhere.

N. B. 1.—As Krama or Sthâna may require further elucidation, the following may be noticed: In Darśapûrṇamâsa, in that part of consecration with hymns which is to be performed by the sacrificer himself, the three things, Agneya ('relating to Agni'), Upâṃśu Yâga, and Agnîṣomîya ('relating to AGNI and SOMA'), and the Mantras relating to these are thus cited: 'Through AGNI, may I become an enjoyer of food by performing sacrifices to the gods'; 'Thou art an implement of metal, and may I be no metallic implement and cut this'; and 'Through AGNI and SOMA may I become a killer of VṚITRA by offering sacrifices to the gods.' With regard to the first and the third there is the significant force of Liṅga and if there is any doubt with regard to the second, there is Krama to decide that it must be employed in Upâṃśu Yâga.

N. B. 2.—Krama is to occupy a similar position, and that is of two kinds, one suggested by the text and the other suggested by the meaning. Of these the one suggested by the text is again of two kinds, one suggested by the regular order of the texts, and the other suggested by the proximity of the text. The Mantra mentioning of the metallic implement is an example of the regular order suggested by the text, 'May you become pure for the act to be performed in honour of the gods' (see below) is an example of Krama suggested by the proximity of the text.

5th And lastly we have to consider the case of a conflict between Krama and Samâkhyâ. In connection with the section technically known as Pauroḍaśika ('relating

411. The use of the expression 'conclusion of a horse-sacrifice' is (to indicate by) synecdoche (even) the other sacrifices, (namely), Pañchadaśa-Râtra and the like in the middle of which Agniṣṭut (rite) occurs, or even other sacrifices ending with Agniṣṭut (rite). For says GAUTAMA: "Or (by bathing with the priests) at the end of a horse-sacrifice (III. iv. 9), 5

Pañchadaśa-Râtra and the like also would do.

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to Puroḍâśa') and in close connection with the act of offering a Mantra is thus stated which must be employed in purifying the vessels: 'May you become pure for the act to be performed in honour of the gods.' Here the question is whether Samâkhyâna is to be regarded as having greater force and hence the Mantra employed in purifying the vessels containing Puroḍâśa, or Krama should prevail and the purification of offering vessels attended to. The argument for the objection is that these two principles are to be regarded as of equal force as there is nothing particular to settle the matter, or why? Samâkhyâna itself should prevail, for Krama has been seen controverted by Prakaraṇa also.

The reply is this: For the reason of not far-fetching of the meaning, Krama itself is to be regarded as having superior force. When Prakaraṇa combines all propositions into one thought, whatever new fact is stated in close relation to a particular fact, it is regarded that that supplies a wanting portion and no inference is made that that enters into one Vâkya with the rest. This word 'Samâkhyâ' is a convention conceived by human beings, and no human being is a reliable authority on such matters. Therefore, Krama has greater force.

Some do not accept this position but contend that if settlement of facts is done thus by Krama with regard to such matters, then it cannot be held that Krama has the stronger force because of far-fetching the meaning; for we have to discriminate here between the strength of the two interpretive principles and in doing it Samâkhyâ is no reliable source of knowledge inasmuch as that is of human origin and to recognize its reliability is to admit the authority of human conceptions. But there is no such fallacy as they contend, and no essential feature of anything is inferred on the authority of human beings. 'Pauroḍâśika' is the term applied to this section of the ritual, and this is all the human authority here. Besides there can be human authority in this matter of summing up the whole idea under one concept just as there can be human authority in pointing out that the Mantra is cited so as to have Krama in connection with the offering vessels, or also as settling that one thing is Prakaraṇa or things are related to each other by Vâkya or even as to point out that one thing is the Vedic expression. The ideas that result from such a thing cannot be considered as anything but potent and in the elucidation of all potent ideas the adepts can be held as authorities, though, however, if the ideas promulgated are not potent then even the adepts should be dismissed as not authorities whatever their claims may be to the contrary. Thus Samâkhyâ is one of the interpretive principles, and when it is one we have to consider to what extent it can assert itself.

It was observed that in a conflict between the two Krama itself is to be preferred inasmuch as to give preference to Samâkhyâ would far-fetch the meaning. That far-fetching occurs thus: As it is, the Mantra is stated in close connection with the offering vessels so as to have Krama connection with it, and because of this very fact, there is no direct proof that the Mantra has any proximity with the entire Samâkhyâ, and the purification prescribed extends to all the vessels containing Puroḍâśa. It can, however, be established by Arthâpatti, or the implication of a fact not obvious, that if there were no present proximity then there cannot be the summing up of the entire

or at (the end of) any (Vedic) sacrifice provided that an Agniṣṭut (rite) forms part of it [he becomes pure"] (III. iv. 10).

412. And this is described as (laying down) the limit (of termination) of the penance of him who has undertaken to perform (a penance) lasting for twelve years or the like (periods) but who somehow happens to effect the 5 saving of the life of a Brâhmaṇa or the like (deeds).

This no new penance; but terminates the one undertaken.

It is just as in a Sârasvata Satra the end is secured by reaching the source of the river Sarasvatî and trying for it, (or) by making over (in gift) all that one possesses in the absence of (one hundred) cows and a bull (forming) one hundred and 10 onth or of a thousand (cows), or by the death of a sacrificer himself (in trying to perform a sacrifice), and is not another independent penance. Just so has ŚAṄKHA: "He attains purification at the (end of the) twelfth year, or when the course of his vow is yet continuing provided he saves a Brâhmaṇa (from being killed), or he is rendered pure 15 forthwith by saving the lives of a dozen cows or by taking part in the

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topic that put forth the Mantra under the concept of 'Paurodâśika.' Any how if Samâkhyâ relationship is to be established the entire topic should be just summed up under a particular concept, and the proximity created between Samâkhyâ and the Mantra; then that proximity should be proved as otherwise untenable if Samâkhyâ and the Mantra have not a character of inter-dependence, and thus the whole thing construed as forming one Prakaraṇa or having a logical connection; next through it Vâkya, Liṅga, and Śruti, should be created in order; and lastly through Śruti that results the settlement should be effected. Thus it is a far-fetching of the meaning, and, therefore, Krama should be held as 'prevailing over Samâkhyâ.

Now with regard to the fact that is observed here and there that such and such a thing is controverted by such and such a thing, some raise the following objection: 'What is it you call that is controverted there—that which comes in or that which does not come in? If it is one thing that does not come in what then is left to be controverted? Or, if it is that which does come in, how can it possibly be controverted?' We have to answer this by saying that the fact that is controverted is something that apparently does come in and forms a preconceived notion for a reason may seem common for a true or false cognition. It does come in *apparently*, for its coming in is not sufficient to produce the promised result by acting upon it, nor can we say that it does not come at all, for such a conception is formed. It can be controverted in this sense that when the true knowledge arises, the preconceived notion can be detected as false and given up relying upon the right knowledge. That knowledge is not false which, though is being investigated more and more, nothing is discovered to controvert it, while the notion that it is true is all the while increasing more and more. Thus of these interpretive principles Śruti, Linga, Vâkya, Prakaraṇa, Sthâna, and Śamâkhyâ, whatever is first mentioned can prevail over the one which immediately follows it, for this notion being once conceived and well investigated, no other fact is discovered to contradict it. Thus it is affirmed that when they overlap, that is, when there is a conflict between them, the one that appears next in the above order loses its force, for if that would prevail the meaning is far-fetched.

N.B.—The above is almost the gist of the argument advanced by ŚABARASVÂMIN in his Mîmâṃsâ Bhâṣya. Mr. Sarkar deals with the same subject exhaustively and comparatively in his Lecture II. sec. ii—iv., which may be referred to with advantage.

concluding bath of a horse-sacrifice." It is with this very view that a rule (regarding a vow of penance) lasting for twelve years, and productive of good results, is stated by MANU (thus), "Having shaved off (all his hair) he may dwell *etc.*" (XI. 78); the saving of the life of a Brâhmaṇa and so on is mentioned in the midst (of the discourse) by such texts as, "He who unhesitatingly abandons life for the sake of Brâhmaṇas or of cows, is freed from (the guilt of) the murder of a Brâhmaṇa, and (so is he) who saves (the life of) a cow, or of a Brahmaṇa" (XI. 79), and the topic wound up by (mentioning the) very vow lasting for twelve years thus: "He who thus (remains) always firm in his vow, (remains) a Brahmachârin, and of concentrated mind, removes after the lapse of twelve years (the guilt of) slaying a Brâhmaṇa" (XI. 81).

413. (Objections). (i). Well, as it is noticed with reference to the text that one might attain purification from (the sins of) a Brâhmaṇa-slaughter, that saving of the life of a Brâhmaṇa (is talked of to possess the same merits as a vow) lasting for twelve years, it is but proper (to recognize) its independence (as a penance) and not its being an auxiliary (to some other principal action). Moreover, one thing cannot be an auxiliary to another principal thing though it annuls (c) it, for one thing can be an auxiliary to another principal thing (only) when it helps it.

(ii). Nor is this a procedure (intended) for one who has begun (a vow of penance) lasting for twelve years, (an injunction) from which the manner (in which one can conduct himself) with regard to that action can be inferred. It should be something like (this): When one has begun to perform the Satra-sacrifice and is unable to complete it, it is according to the statement, "Having taken a resolve to (perform) a Satra-sacrifice, he should perform a Viśvajit sacrifice" (*d*), but fitting to recognize the independence itself of that view laying down the Viśvajit sacrifice. It is as the act of throwing (one's self) into the fire, appearing at (the point of) aim (of those who have grasped weapons in war), and so on.

(iii). Nor should it be suspected that, as they too are mentioned in the midst of a topic, the introduction and conclusion of which (is a vow of penance) lasting for twelve years, they have a feature of being an auxiliary of that (twelve years' penance). For although there is a mentioning of one thing in the midst of another topic, yet, on account of its purpose being well known, there is no question with regard to its purpose, and it is not proper to hold that the two things are supplementing of each other. It is as (in the case) of the words *nivit* which, though they occur in the midst of the topic on Sâmidhenî and by being used to add sacred sticks to make the fire ablaze have the same purpose to fulfil

(c) Cut short.

(d) JAIMINI VI. iv. 32-3.

along with the Sâmidhenîs, have yet no such character as supplementing the Sâmidhenîs(*dd*).

(iv). Nor does the mentioning of secretly throwing one's self into the fire and the like occur (always) in the midst of (the topic) of a twelve years' (penance), for VASIṢṬHA, GAUTAMA, and others mention these, (namely, one's throwing into the fire, etc.), even before they introduce the topic of a twelve years' penance(*e*). 5

(v). In order to point out this very independent (application of these penances), the word 'or' is employed by MANU in connection with each statement as "*Or* let him appear at (the point of) aim of those who have grasped weapons (in war)," and "*Or* he may throw himself into the fire" (XI. 73). Likewise (the topic of) all penances (relating to this) is concluded even thus (by MANU): "Thus following any one of the (above mentioned) rules with a concentrated mind, a Brâhmaṇa gets rid of the sin of slaying a Brâhmaṇa, and becomes pure of person" (XI. 86). 10 15

Thus it is proper (to recognize the independent existence) itself (of the penances, namely,) throwing one's self into the fire and so on. And also, therefore, the saving of (the life of) a Brâhmaṇa and so on have each a merit (in themselves) and, therefore, have no feature of being auxiliaries to another. 20

(Answer). It is (thus) said (in answer). (All) this (argument for objection) is removed by the text of ŚAṄKHA which says, (that he is purified even) "when (the course of his vow is) yet continuing provided he saves a Brâhmaṇa (from being killed) *etc.*" from (which it can be)

(*dd*) In the section on Darśapûrṇamâsa, in the Prapâṭhaka beginning with *Viśvarûpo vai Tvâstraḥ*, the Brâhmaṇa known as Sâmidhenî occurs in 7th and 8th Anuvâkas. What are termed as Nivit, and begin with *Agne mahâṃ asi Brâhmaṇa Bhârata*, occur in the ninth. In the tenth occur those cases of Sâmidhenîs which are to be employed in rites performed with a desire. The question is 'Nivit' ('to have the sacred thread hanging from the neck and not passing under either of the arms') is preceded by the mention of Sâmidhenîs and is followed by the mention of Sâmidhenîs, and therefore to have the sacred thread in that manner is an essential to the rites to be performed with Sâmidhenîs. But it is not so. It does not occur there to indicate that it is an auxiliary. On the other hand, its Liṅga points out that it is an essential to extol the praise of Fire. To excite enthusiasm in the Fire-god to whom the offerings are to be consigned, the Fire-god is addressed and his praise thus extolled, '*Agne mahâṃ asi*, ('O Fire-god, thou art great') *etc.*' It is also said in Nirvachana that 'Nivit is so called because (those prayers etc.) are submitted with Nivits.' Thus its purpose being quite plain by other means, it serves no other purpose notwithstanding its accidental mention in the midst of some other topic. See JAIMINI III. i. 21.

The application of this principle is this: When the purpose of a text is otherwise plain it serves no other one notwithstanding its accidental occurrence in the midst of another topic.

(*e*) VASIṢṬHA mentions throwing one's self into the fire in XX. 26, and the twelve years' penance in ——? while GAUTAMA mentions them in III. iv. 2 and III. iv. 4 respectively.

inferred (that it is) an auxiliary. While it exists as an auxiliary alone the connection of the merit (accruing from it) is through a principal (act).

Nor is it annulling of the principal (course). For it lays down that the vow (of penance) terminates completely with one's saving of (the life of) a Brâhmaṇa, and it has been the means of achieving the 5 (necessary) merit. Thus there is no conflict.

414. And more:

CCXLV. Having met in the course (of his vow of penance) a Brâhmaṇa suffering from chronic and severe disease or even a cow (in that condition) a slayer of 10 Brâhmaṇa (becomes) pure having made (him or her) free from the trouble.

The penance terminates by curing severe chronic diseases of a Brâhmaṇa or cow.

Having met a Brâhmaṇa suffering from, (that is,) distressed by, disease such as leprosy or the like, (which has become) chronic, (that is,) standing for a long time, 15 (and is) severe (or) difficult to be endured, or (having met) a cow in that condition, a slayer of Brâhmaṇa, making (him or her) free from the trouble, (that is,) free from the disease, does become pure.

415. (Objection). Well, for what purpose is it that the saving of 20 (the life of) a Brâhmaṇa which has been laid down by this (text), "By saving (the life) of a Brâhmaṇa etc.," is reiterated by (the text), "[Having met] A Brâhmaṇa or even a cow (in that condition) *etc.*"?

(Answer). (It is) true (that it is done) so. But in the text just preceding (it, it is) pointed out that the life of a Brâhmaṇa should be saved 25 (even) at the risk of his own life, and now, on the other hand, (it is pointed out that the saving is) by means of medicine and the like, and, therefore, it is different (from it). It is with this very view (that it has been stated) by MANU (thus): "[Or if he re-conquers the whole property] of a Brâhmaṇa, or if he loses his life for such a cause, he is freed from his guilt" 30 (XI. 80).

416. And more:

CCXLVI. Recovering the entire property of a Brâhmaṇa (that had been) robbed, or even being killed (in the attempt), or even wounded with weapons for that cause 35 and living, he is purified.

Recovering the lost property of a Brâhmaṇa terminates the penance.

He who, having recovered in its entirety the wealth, such as the lands, gold, etc. that had been robbed by thieves and belong to a Brâhmaṇa who is extremely distressed on account of his being deprived of all the wealth, affords him pro- 40 tection is completely purified (from his sin). Or if he is killed himself by the thieves in trying to recover

it, or even for that cause is wounded by the weapons while fighting with them to recover the entire property of the Brâhmaṇa and has been rendered as good as dead though living, is (still) rendered pure.

'Weapons' point to a plurality of wounds.

417. The (use of the) plural as 'weapons' is to suggest a plurality of the wounds. Thus, therefore, the expression "at least three times" has been employed by MANU (in the text), "If either he fights at least three times (against robbers in defence of a Brâhmaṇa's property), or recovers the whole property (of the Brâhmaṇa) *etc.*" (XI. 81).

These five acts are not independent penances.

418. As this set of five rules described in these two verses is encompassed by the text of ŚAṄKHA which is of the nature of (prescribing) the protection of a Brâhmaṇa, and says, "Or when (the course of his vow is) yet continuing provided he saves a Brâhmaṇa (from being killed *etc.*)," and is set apart as (forming) the limit of the termination of a twelve years' (penance) it has no independent existence (as a penance).

419. (The sage now) describes an alternative penance:

CCXLVII. Or, indeed, he might offer in the fire his body, beginning with hair and ending with marrow, as thus 'Svâhâ! to (my) hair' and with similar formulas in (regular) order.

He might otherwise offer his body piecemeal into the fire.

With 'Svâhâ! to my hair' and similar formulas (he) might offer in the fire his body beginning with the hair (*f*) and ending with marrow. The word *iti* ('as') is for the purpose of indicating that (that formula) should be employed (in making the offering). The word *evam* ('thus') is for showing the manner (in which it is to be done). And the word *hi* ('indeed') is for the purpose of suggesting the (offering of the) skin and the like mentioned in other Smṛitis and hinted here by the words *prabhṛiti* ('beginning with'). And thus the hair and the rest are the materials (with which the) offerings (are to be made) and are indicated (here) with dative (terminations); and having pronounced the syllables "Svâhâ," (one) shall make offerings (in accordance) with those formulas.

The eight formulas.

420. And those formulas are eight inasmuch as the number of the materials that are to be offered, (namely,) hair, skin, blood, flesh, flesh-marrow, sinews, bone, and marrow are (also) eight. Even so has VASIṢṬHA: "A slayer of a Brâhmaṇa shall, kindle a fire and offer (therein the following eight offerings consisting of portions of his own body) (XX. 25). The first saying, 'I offer (my) hair to Death, I feed Death with (my) hair'; the second saying, 'I offer (my) skin to Death, I feed Death with (my) skin'; the third saying 'I offer

(*f*) *Hair* is used here as a general term and not to denote only that on the body.

(my) blood to Death, I feed Death with (my) blood'; the fourth saying 'I offer the various (portions of my) flesh to Death, I feed Death with the various (portions of my) flesh'; the fifth saying 'I offer (my) flesh-marrow to Death, I feed Death with my flesh-marrow'; the sixth saying 'I offer (my) sinews to Death, I feed Death with (my) sinews'; the seventh saying 5 'I offer (my) bones to Death, I feed Death with my bones'; (and) the eighth saying 'I offer (my) marrow to Death, I feed Death with (my several) marrows' (*g*) (XX. 26).

Death is the recipient deity and hair etc. are materials of offering.

421. And here as, (according) to the (rule that he) "shall offer in the fire his body beginning with hair," the hair and the rest are construed 10 as materials of offering (in the fire), and though mention is made (of those terms) by (employing) their dative (forms) as 'Svâhâ ! to (my) hair,' no quality of being the (recipient) deities (of the offering) is attributed to the hair etc., for the formulas are aptly to be taken as 15 being useful to the (making of) burnt offerings by merely pointing out the material (to be employed in each case). Moreover, by a consideration of the formulas (laid down) by VASIṢṬHA as 'I feed Death with (my) hair,' and so on, it is observed that the destination of the burnt-offerings is Death itself, and, therefore, it is regarded as being (the recipient) deity. And 20 thus (he) shall heroically cut down the hair and the like by dint of an axe, make eight burnt-offerings (in the fire) intending (them) for Death, and in the end throw his body (itself into it). Hence what has been said by some insignificant persons that, as the material of offering is not enjoined, the burnt-offerings should be made with clarified butter, should be disregarded 25 as certainly not said with any consideration.

This should be done in the ordinary fire.

422. From the very (expression) "(He) shall offer" the (necessity of the) fire is there, and, nevertheless, the employing of the term 'fire' again as, "A slayer of a learned Brâhmaṇa (*h*) shall kindle a fire," is to 30 bring in (the fact that it should be) the ordinary fire. This is but natural, for (a method) is laid down to dispose of the (Sacred) Fires of one who has suffered degradation (from caste). For says the text of UŚANAS: "But when a Brâhmaṇa who had been an Âhitâgni, has contracted a mortal sin and cannot be purified by penances, what then (is the) course 35 (to be adopted in the case) of his (Sacred) Fires? The Vaitâna Fires shall be cast into water, and a wise man shall leave the Aupâsana Fire to reduce itself to nothing." Likewise (runs) the text of KÂTYÂYANA (thus): "If one who kept the Sacred Fires should 40 unfortunately become stained with a mortal sin, then his son or the like,

One who has suffered degradation from caste cannot meddle with his Sacred Fires.

(*g*) Buhler's version is slightly different.

(*h*) It must be noted that the terms *bhrûṇahâ* and *brahmahâ* are used in the sense of a Brâhmaṇa-slayer and not the former in the sense of one causing abortion.

being desired by him, shall protect the Fires till the sin is all destroyed. "But if he does not undergo the penance, or dies while undergoing it, the household Fire shall be extinguished, and the Śrauta Fires thrown into water along with the (sacrificial) requisites."

He must throw himself thrice into the fire.

423. And the throwing of the body into the fire should be done thrice rising and rising again (from the fire), and with the head turned downward. Thus says MANU: "Or he may thrice throw himself with his head turned downward into a blazing fire" (XI. 73). But a different course is pointed out by GAUTAMA in this connection: "(Now is) the penance (described) (III. iv. 1). He who has slain a Brâhmaṇa shall emaciate himself (without food), and thrice throw himself into a fire" (III. iv. 2). And similarly there is the Kâṭhaka Śruti text: "Being emaciated without food he shall throw himself into the fire."

The penance resulting in death always refers to an intentional act.

424. And this (form of) penance resulting in death refers to an act (which has been) intentionally (committed). Thus says MADHYAMA-AṄGIRAS: "And that penance, which results in death and is prescribed by the learned (sages), refers to an act intentionally committed and there is no doubt about it." And likewise (there is this): "To that man who, somehow, intentionally commits a mortal sin, no expiation is described but falling down from a precipitous hill or (throwing himself) into a fire."

This is an independent penance.

And it has already been said that this penance is independent in itself, and does not form part of the twelve years' (course of) penance as saving (the life of) a Brâhmaṇa and the like (acts do).

425. And more:

CCXLVIII. Or having become the butt (of the missiles of warriors) in war, he is purified (if killed), (or) even if painfully struck and all but killed, he is purified though lives.

The perpetrator if a Kṣatriya might seek death in war.

Or having become the butt (by exposing himself) at a place where the arrows discharged by both (the opposing) armies in war, (that is,) on a field of battle, fall, he attains purification. (Also he) who is struck hard to the quick (*i*) and (is) all but killed, (that is,) falls in a swoon on account of the extreme pain resulting (from the strokes), is also purified.

(*i*) S. reads *gâḍha-marma-janita-prâhâra-tivra-vedanaḥ*, suffering from poignant pain consequent upon the excessive sting of conscience.

426. And the act of becoming the butt of the (missiles of the) expert archers, who know that he (appears there) in the capacity of) an expiator (j), should be done out of his own free will when there is war, and should not be caused by force by the king. Thus says MANU: "Or he shall, of his own free will, become (in a battle) the target of archers who know (his purpose)" (XI. 73). And this (penance) as it ends in death is for him who directly commits the deed, and refers to an intentional act of a Kṣatriya.

Such a death should be voluntarily sought.

427. And because of the word *api* ('even') (in the text), (it must be taken that) he is purified even by (performing) a horse-sacrifice, or the like. Thus says MANU: "Or he shall offer a horse-sacrifice, a Svarjit, a Gosava, an Abhijit, a Viśvajit, or an Agniṣṭut repeated thrice" (XI. 74). The performance of a horse-sacrifice (is prescribed) only for that Kṣatriya who is an emperor. For says the text of PARÂŚARA, "Or he may offer a horse-sacrifice if he is a Kṣatriya and a lord of the earth," and (by the text), "One who is not an emperor shall not offer (it)," a prohibition is also seen (in the case) of one who is not an emperor.

One might perform a horse-sacrifice if a Kṣatriya.

428. And this performance of a horse-sacrifice should be known (to have been prescribed) to an emperor for an act done voluntarily and in place of a (penance) resulting in death. For the great sacrifice, (namely,) the horse-sacrifice, has been shown by YAMA as being equal to one's throwing (himself) into a fire, (an act) which ends in death, in the (following) text: "The four (kinds of men) committing mortal sins intentionally, are purified by throwing (themselves) into the fire, or betaking themselves to great sacrifices."

The horse-sacrifice is equal to throwing one's self into the fire.

But Svarjit and the other (sacrifices) form an alternative with the twelve years' (penance) (in the case) of one (who belongs to any) of the (first) three Varṇas, keeps the (Sacred) Fires, and has performed a sacrifice previously. And for the purpose of (performing) a Svarjit and the like sacrifices, no Fires shall be kindled nor the performance of a sacrifice attempted for the first time, for to one who has suffered degradation (from caste), there is no right to (perform) the religious duties of the twice-born classes. Nor is it justified (to hold that) there is no incongruity as in the case of performing the Sandhyâ, for kindling the Fire etc. has no character of forming a part of subsequent sacrifices. Also those sacrifices, as involving lightness or excessiveness of the sacrificial fees, should be settled with reference to the direct perpetrator of the deed and the rest that respectively deserve a twelve years' etc. (penance).

Svarjit etc. form alternatives with twelve years' penance.

(j) S. reads *prâyaschitti-aham iti*, feeling 'I am an expiator,' the act *etc.* should be done, himself feeling that he is an expiator while the expert archers know him as such.

429. And more:

CCXLIX. Having meditatively repeated thrice, (staying) in a forest and abstaining (from food), the Saṃhitâ of the Veda, or sparingly eating and moving along the whole stream of the (river) Sarasvatî, he is purified. 5

(Staying) in a forest, (that is,) in a place free from (the presence of) men, and abstaining (from food), (that is,) eating little, for says MANU, "Or restricting his food, he may meditatively repeat *etc.*" (XI. 77), he is, by thrice meditatively repeating the Veda consisting of the Mantra and Brâhmaṇa, purified. The use of the (term) 'Saṃhitâ' is to exclude 10 Pada (*k*) and Krama (*l*). Or else being one who eats sparingly, he shall (beginning) with the place where the Sarasvatî takes its origin and moving, (that is,) going along the entire stream of the (river) Sarasvatî as far as the Western Ocean—*srotaḥ* ('stream') *srotaḥ* ('stream') *prati* ('towards') are (expressed by a single compound word) *pratisrotaḥ* 15 ('along the entire stream')—he is purified (*m*).

And the food should consist of materials fit for a sacrifice, for says the text of MANU: "Or subsisting on food fit for a sacrifice, he shall move along the entire stream of the Sarasvatî" (XI. 77).

430. And it should be known that this meditative repetition of 20 the Veda (refers to the case) of a learned man, (who is the) slayer (in question), and who is destitute of wealth (but) is full of extremely good qualities, when he has slain by accident one devoid of any (appreciable) quality. And moving along the course of the Sarasvatî 25 should be noticed (to hold good in the case) of one who has no learning in him and (happens to commit the deed) in circumstances exactly

Repetition of the Veda, etc. is for accidental slaying of one good-for-nothing.

(*k*) The pronouncing of each word of the Veda in its original form and without any regard to the phonetic changes that take place.

(*l*) A mode of repeating the Vedas, two words at a time, the first word being left out each time and the next word taken.

(*m*) This translation is given with some diffidence. Evidently VIJÑÂNEŚVARA says that the starting point is the rise of the Sarasvatî, and the expiator shall move as far as its mouth. MEDHÂTITHI's explanation, especially as he uses the word *anusaret*, he must move along the course, points to the same interpretation. MANU's text also has the same word *anusaret*. KULLÛKA says that starting from the reputed place of its origin he shall move along the entire course of the Sarasvatî as far as the Western Ocean. But SARVAJÑA-NÂRÂYAṆA holds that starting is from the place Prabhâsa, a holy place near Dvârakâ, and hence evidently the reputed place where the river Sarasvatî empties itself into the Ocean, and he shall march up to the origin marking its course by noticing where there is Sarasvatî. RÂGHAVÂNANDA says that commencing with its mouth one shall march up the stream along the shore. Buhler following this last explanation has 'he may walk against the stream.' The difference seems to be on account of the meaning of *prati* in *pratisrota*, as it may mean either entire or against.

similar. For (with reference) to those who influence a suicide, it has been pointed out (in connection) with the text of SUMANTU, "Whenever a Brâhmaṇa, devoid of qualities, strikes himself and dies (on) being contemned *etc.*," (that the penance is not excessive when the death of one who is good-for-nothing is caused). Next that text of MANU which (says), 5 "He might walk one hundred Yojanas(*n*) meditatively repeating one of the Vedas" (XI. 75), refers, it should be understood, to the very same culprit who (happens) to be weak.

431. And more:

CCL. Having made over (in gift) sufficient wealth 10 at least to a worthy recipient he might attain purification. And Vaiśvânara Iṣṭi is prescribed to be performed for the purification of the recipient of the gift.

Gift of enough of wealth is another cause of purification.

He might attain purification by making over (in gift) wealth such as cows, lands, gold, and so on, sufficient, (or) ade- 15 quate, for the purposes of his livelihood, to a worthy recipient (whose characteristics) have been described by (the text), "Not by mere learning (can one be a fit recipient)" (I. 200), and the like. He who accepts his wealth shall, for the purpose of his (own) purification, perform an Iṣṭi in honour of the VAIŚVÂNARA deity. 20

And this refers (to the case) of an Âhitâgni, and in the case of one who is not an Âhitâgni, Charu in honour of that deity should be (prepared). For says the text of Gṛihyakâra, "Whatever is the function of an Âhitâgni, that very (function) is for him who keeps Aupâsana Fire."

Making over in gift of all one's property or a house with domestic necessaries also suggested.

432. On account of (employing of the) word *Vâ* ('at least') (in the 25 text) (it is inferred that) he might make over in gift all his property, or a house with every (household) necessary. Thus says MANU: "Or he may present to a Brâhmaṇa, learned in the Vedas, his whole property, as much wealth as suffices for the maintenance (of the recipient), 30 or a house together with the household necessaries" (*nn*) (XI. 76).

And this gift of the entire wealth is to be noticed to refer (to the case) of a slayer, who has no good qualities but has wealth, when he slays one who has no qualities (at all). In that very case the making over (in gift) 35 of the entire wealth refers to one who has no offspring, while (in the case) of him who has offspring the presentation of a house with the (household) necessaries (should be taken to hold good). This is the settlement.

433. Even the following text of PARÂŚARA refers to the same case as (the text), "Having given away sufficient wealth to a worthy recipient 40 *etc.*," (refers): "In the case of one who is accomplished in the four kinds

(*n*) One Yojana = 8 English miles nearly.

(*nn*) Bühler has 'furniture.' See BÂLAMBHAṬṬA's Gloss.

of learning and (happens to be) a slayer of a Brâhmaṇa, visiting of the sea-bridge shall, according to the rule, be prescribed (as penance). On his way to the sea-bridge he might accept alms from among the four castes leaving out those who take to a prohibited profession, (moving himself) without an umbrella and shoes. (He shall declare) 'I am indeed one of a sinful act, one who has committed a mortal sin, am one who have slain a Brâhmaṇa, and stand at the door hoping to get alms.' Among the herds of cows, in places on which cows graze, in villages, in towns, in forests where austerities are conducted, and at the origin of the rivers,—in these places he shall proclaim his sin, and having reached the ocean, even he who has slain a Brâhmaṇa is freed from his sin by bathing in that Mahodadhi (*o*). Being purified he shall thence return home, and having fed the Brâhmaṇas, and made gifts of raiments or of truly pure (cows) he should enter his house being pure in person. Or he should make a gift of one hundred cows as a present to one who is well-versed in the four Vedas and it being approved of by that person who is well-versed in the four Vedas, thus attains purification."

Pilgrimage to Râma's bridge is a penance.

And (there is) that text of SUMANTU which (says,) "A Brâhmaṇa-slayer shall perform Kṛichchhra (penances) for one year, shall sleep on the ground, bathe three times during the day, proclaim the deed (he has committed), subsist on the alms, take pleasure in wandering about the sandy beds of the holy rivers and their mouths, hermitages, places where cows graze upon, mountains, sources of the rivers, and forests where austerities are conducted, (spend the time by) standing or assuming the Vîrâsana (posture), give away to the Brâhmaṇas gold, gems, cows, corn, sesamum, lands, and clarified butter when the year ends, and is (thus) purified," and even (that) refers to a slayer who is a blockhead and is wealthy when he has slain one (who is a Brâhmaṇa) but in caste.

One year's Kṛichchhra and visiting of the holy places where the slayer and the slain are both blockheads.

Next (there is) that text of VASIṢṬHA which (says), "Subsisting on water for twelve nights (and days), he shall fast for twelve nights and days," and (that) should be understood to refer (to the case) of one who resolves upon a Brâhmaṇa-slaughter in his mind, and whose desire of killing has vanished itself.

Twelve days' fast for thinking of a Brâhmaṇa-slaughter.

And further (there is) this text (found) in the Ṣaṭtriṃśanmata, "But having slain an impotent Brâhmaṇa, (one) might observe a vow (of penance prescribed) for slaying a Śûdra, or he might undertake a Chândrâyaṇa (penance) or even a double Parâka," (and it) is to be considered to refer to an intentional slaying of one whose manhood cannot be

Penance prescribed for Śûdra-slaughter, for killing an impotent Brâhmaṇa.

(*o*) The sea near what is now called the Palk Strait is called Ratṇâkara on one side and Mahodadhi on the other.

restored. Regarding this very case where the slaying is unintentional, BṚIHASPATI states thus: "In the confluence, known world-wide, of the Aruṇâ and the Sarasvatî that Brâhmaṇa who bathes three times a day and observes fast on three nights (and days) is purified."

Thus even the other texts of Smṛiti should be searched for, and a settlement (of the cases to which they refer) be inferred in the case of conflicting ones, while of those (that are of) equal (consequence), (the principle of) alternativeness (should be recognized).

434. And these (courses) beginning with (a vow of) twelve years' (penance) and ending with making a gift of wealth refer (to the case) of a Brâhmaṇa alone. But (in the case) of a Kṣatriya and the rest (it is) double (thereof), and so on. Thus says AṄGIRAS: "What constitutes a Parṣat (p) (in the case) of Brâhmaṇas it is twice that, it is opined, in the case of the Kṣatriyas, thrice, it is prescribed, (in the case) of the Vaiśyas, and it is declared that the vow (of observance) is as the Parṣat (is)." And thus that very particular form of penance which has been settled (with reference) to Brâhmaṇas taking into account the characteristic qualities found in the slayer as well as in the slain, should be understood to be double or treble, in (the case of) a Kṣatriya etc., possessing that characteristic quality. From this very hint, when even among the Kṣatriyas, Vaiśyas, and so on, (one of) a superior (caste) is slain by (one of) an inferior (caste), the offence being of a higher nature, it should be prescribed that the penance also is double etc. And (that) the offence (is) of a higher nature is inferred from the fact that the punishment is of a higher nature. It is thus said, "When scandals (are from castes) of inferior order, the punishment is two times and three times, and in the superior order of the castes, it is half and half less than that" (II. 207).

A Kṣatriya's penance is twice a Brâhmaṇa's and a Vaiśya's thrice.

A Vaiśya who has slain a Kṣatriya shall observe twice the penance prescribed for a Brâhmaṇa, etc.

Offence is higher if the punishment is higher.

And (there is) the text (which is found) in the Chaturviṃśatimata and says, "That penance which has been described (in the case) of a Brâhmaṇa by the great sages, a Kṣatriya should observe it a quarter less and a Vaiśya should observe half of it; a Śûdra should observe (only) a quarter of it, (and this is the rule) in all (sorts of) sins," and that refers to a case other than the four sorts of violence perpetrated by the inferior order of castes.

435. Likewise even in the case of Mûrdhâvasikta and others born (of permitted marriage) in the direct order (of castes) penance should be inferred (to be) similar to punishment (in extent). The difference in punishment has been shown thus: "The awarding of punishment should be done with (due regard to) Varṇa, caste, and (mixed births of unions) in direct

(p) See. I. 9.

and reverse order" (II. 206). And thus (in the case) of a Mûrdhâvasikta, when (he has) slain a Brâhmaṇa, (the penance) is more than (that for) a Brâhmaṇa and less than (that for) a Kṣatriya, (that is,) a twelve years' (penance) increased by half (of its own self). 5

Penance of a Mûrdhâvasikta is one and a half times that of a Brâhmaṇa, etc.

From this very hint that the penance is of a heavy nature (in the case) of even those born of (prohibited unions in) the reverse order (of castes) should be inferred.

436. Similarly a special (rule) has been pointed out by ANGIRAS with reference to (those that belong to particular) Âśramas: "The sins that are 10 described with reference to a householder, if they are committed by men (belonging) to the (other) Âśramas, they shall, after the (rule of the process of) purification, make expiation for it before (they attempt for) realizing BRAHMAN." (The expression), "they shall after the (rule of the process of) purification," 15 means just as (the process of) purification is increased in the proportion of twice etc. (respectively) (in the case) of Brahmachârins and so on, even so is the expiation, (that is,) penance, as (it is described) by the (following) text: "This (is the) process of purification (in the case) of the 20 householders, twice (that in the case) of Brahmachârins, three times in the case of hermits, and four times in the case of ascetics."

Brahmachârins shall perform twice the penance the householders should, hermits thrice, and ascetics four times.

But (in the case) of a Brahmachârin, the penance (is) double only after (he is) sixteen years (old), for, prior (to that age), on the other hand, (that is,) (in the case) of one under sixteen years (of age), half the 25 penance is prescribed by (the text): "(These) or even a boy under sixteen require only half the penance."

437. Nor should it be wrongly supposed that the very applying (one's self to a penance) cannot come about inasmuch as death is to be apprehended in the middle when four times twelve years' (penance) 30 is being observed. For, even though death (overtakes) him who has begun to observe the penance, the destruction of sin does certainly take place. Thus says HÂRÎTA: "The penance having been commenced if the doer should die (when it remains incomplete as yet), 35 he is, in this world as well as in the next, purified that very day." Even VYÂSA says (thus): "And trying for the purpose of (accomplishing) a religious duty if a man becomes unable (to complete it), the merit thereof is acquired (by him notwithstanding), and, indeed, there is no doubt about it."

One obtains the fruit of a penance even if he dies before it is completed.

40

SECTION V.—CASES NECESSITATING THE SAME VOW OF PENANCE AS FOR BRÂHMAṆA-SLAUGHTER.

438. Now (the sage) describes the extension of the penance (prescribed) for Brâhmaṇa-slaughter to other causes:

CCLI. He who slays a Kṣatriya or a Vaiśya, busy in (performing) a sacrifice, shall observe the vow (of penance prescribed) in (the case of) a Brâhmaṇa-slayer; he who destroys an embryo etc. (a vow) according to the Varṇa, (of the destroyed) and likewise a slayer of an Âtreyî.

Penance for killing a Kṣatriya or Vaiśya performing a sacrifice is the same as for Brâhmaṇa-slaughter.

He who slays a Kṣatriya or a Vaiśya (when they are) engaged in the performance of a Soma-sacrifice commencing with the (initiatory rite of taking) Dîkṣâ and closing with the final (Iṣṭi) (pertaining thereto) shall observe that vow (of penance) lasting for twelve years or the like (forming) a vow (of penance) for (the expiation of) Brâhmaṇa-slaughter prescribed in (the case of) a man who has slain a Brâhmaṇa.

'Sacrifice' should here be taken to mean a Soma-sacrifice.

439. Of course, the word 'sacrifice' has a general sense, and, nevertheless, it here signifies a Soma-sacrifice, for, by (the text), "(For killing) a Kṣatriya or a Vaiśya engaged in a *Savana* (the same penance must be performed as for killing a Brâhmaṇa)" (XX. 34), a Soma-sacrifice alone accomplishable by three Savanas (q) has been pointed out by VASIṢṬHA.

The penance is heavy or low according to the caste, ability, etc.

Here also of the vows of (penance for expiating) Brâhmaṇa-slaughter, (namely,) that lasting for twelve years and so on, (some) heavy (and some) light, it should be understood that the settlement (is) as aforesaid, (that is,) with reference to the (expiator's) caste, ability, quality, and so on. Thus (is the case) even in causing abortion and so on. And (the penance) resulting in death is not extended (to these cases), for (the word) 'Vrata' ('vow') is used (in the text).

No death-penance in these cases.

Thus in an intentional killing of a Kṣatriya or the like, (busy in) performing a sacrifice, (the penance is) twice the (original) vow itself. And this vow should be observed completely alone, for by commencing the text as, "Having slain a man belonging to the two first-mentioned castes" (r) (I. xxiv. 20), (the penance) lasting for twelve years is declared by ÂPASTAMBA.

(q) Literally, extracting the soma-juice.

(r) Kṣatriya, Vaiśya, and Śûdra are the castes mentioned in the previous Sûtras.

440. And the embryo (referred to here) is that formed in the married women, and having destroyed (it), he should observe (a penance) according to the Varṇa (of the embryo), (that is,) that penance which has been prescribed for slaying one of a particular Varṇa for having destroyed an embryo of the same Varṇa. And this refers to (destroying an) embryo in which the mark (indicative) of (its) female, male, or hermaphrodite nature (is) not (yet) developed, for (a) special (feature) is pointed out (thus) in (the Institutes of) MANU: "For destroying the embryo (of a Brâhmaṇa, the sex of which was) unknown *etc.*" (XI. 87).

For destroying an embryo, one shall perform the same vow of penance as is prescribed for killing one of the embryo's caste.

And here of course (in the case) of the embryo of a Brâhmaṇa, there certainly being the Brâhmaṇahood, there arises a vow (of penance) consequent upon the slaying of that (Brâhmaṇa), and, nevertheless, as the quality of being a woman being also possible there, that (destroying) being a minor sin as (per text), "Killing a woman, a Śûdra, a Vaiśya, or a Kṣatriya *etc.*" (III. 236), even the penance (consequent upon) that might come in: And hence, though it is not understood whether it is a female, male, or hermaphrodite, the text extending (the penance), (namely), "He shall undertake the vow (of penance) (prescribed) for Brâhmaṇa-slaughter," laid down with reference to its being but a Brâhmaṇa embryo is significant. If the special mark indicative of a female, male, or the like is developed, then the penance is just what is prescribed in that particular case.

441. Whoever slays, (that is,) kills, an Âtreyî, even he shall undertake a similar vow (of penance). It means he shall undertake a vow (of penance) (prescribed for killing a man of the) same caste as that of the Âtreyî who is slain. By the word 'Âtreyî' is denoted a woman in her courses, for says the text of VASIṢṬHA, "They declare that (a woman) who had fallen into menses and has bathed after her courses is an Âtreyî, (XX. 35) in whom, indeed, is this child born" (XX. 36.) She is (also) one born of the ATRI's Gotra, and so on, for says the text of VIṢṆU: "Or even a woman of ATRI's Gotra." This comes to be said: When an embryo of a Brâhmaṇa is destroyed or when an Âtreyî of Brâhmaṇa (caste) is slain, (one shall observe) a vow (of penance prescribed) for Brâhmaṇa-slaughter; when an embryo of a Kṣatriya is destroyed or when an Âtreyî of Kṣatriya (caste) is slain, (one shall observe) a vow (of penance prescribed) for Kṣatriya-slaughter, and so on even in the other cases.

A similar penance for slaying an Âtreyî.

'Âtreyî' signifies a menstruating woman.

442. Because of the word *cha* ('etc.') (it is so) even in the case of speaking falsehood and so on. Thus says MANU: "(He must perform the

same penance) likewise for even giving false evidence (in an important case), for having passionately opposed a Guru, for having stolen a deposit also, and for even killing a woman or friend" (s) (XI. 88). This (speaking of falsehood refers to a law-suit, where by (his) speak- 5 ing of untruth, the death of persons belonging to one of the Varṇas (t) is caused, (and that is) because of the very heavy nature of the penance. Passion is a fit of anger. And deposit (here connotes the property) belonging to a Brâhmaṇa. The 'woman' connotes the wife of an Âhitâgni, and one full of devotion to her husband and the like (qualities), as well as one who 10 is engaged in a sacrifice. Thus says AṄGIRAS: "Having slain the wife, who is faultless (in every way), of one (who belongs) to the highest of the twice-born (castes) and (is an) Âhitâgni, (the slayer) shall perform a vow of (penance prescribed for) Brâhmaṇa-slaughter, and even so the slayer of an Âtreyî." For says PARÂŚARA (also) thus: "Having slain a woman engaged 15 in a sacrifice, one shall undertake the vow of penance (prescribed for) Brâhmaṇa-slaughter." And thus as the penance (prescribed) for Brâhmaṇa-slaughter is extended to the (case of) slaying a woman engaged in a sacrifice, the wife of one who keeps the (Sacred) Fires, and (one who is) an Âtreyî. The slaying of a woman other than such is certainly a minor sin 20 as "Slaying a woman, a Śûdra, a Vaiśya, or a Kṣatriya" (III. 236) is stated in the midst of minor sins.

Penance prescribed for Brâhmaṇa-slaughter for giving false evidence, opposing a Guru, etc.

443. (Objection). Well, with regard to this (rule of) prohibition, "A Brâhmaṇa shall not be slain," as the gender and number, which are included among the irrecognizable factors, are not meant to be significant, and 25 also as the Brâhmaṇa caste (applies) commonly to both woman and man, (the following) rule laying down the penance occasioned by violating that (rule), "A Brâhmaṇa-slayer (is purified in) twelve years" (III. 243), does come in in both the cases (whether it is a man or woman that is slain), and what for is this rule of extension, "Likewise the slayer of an Âtreyî"? 30

(Answer). It is said (thus in reply). (It is said) for the purpose of denying the penance (prescribed) for a mortal sin even (in the case) of slaying a woman who is not an Âtreyî although she has Brâhmaṇahood in her. And, therefore, for it, there is but the penance (prescribed) for a minor sin as that is included in the midst of minor sins. And of the 35 things that can be extended to, the extension is of the penance alone, and not of the degradation (from caste), and thus the abandoning of one (as having) suffered degradation (from caste) etc. cannot be (done) in this (case).

444. And more: 40

CCLII. If one approaches for the purpose of killing he shall observe the vow (of penance) even though he

(s) Buhler's translation is slightly altered to make it suit the present explanation.

(t) D., G., and N, read *prâṇinâṃ*, of living beings. S. also notes that.

cannot kill: But if the Brâhmaṇa (had been) engaged in extracting the Soma-juice double the vow should be prescribed.

(The expression) "according to the caste" repeats itself (from the previous verse). 5

If one having taken a resolve for the purpose of slaying a Brâhmaṇa and the like, does well-nigh approach (his intended victim), and if, when strokes with a weapon or the like are dealt, on account of the resistance offered by (dealing) return blows etc. (*u*), (the man) does 10 not somehow die, then he (who had gone with the hostile intent) shall observe the vow of (penance prescribed for) Brâhmaṇa-slaughter and so on, according to the Varṇa (of the intended victim). Just so (has) GAUTAMA: "The same penances must be performed even if he has attempted the life of a Brâhmaṇa, but failed to kill him" (III. iv. 2). 15

A murderous attempt necessitates the same penance as murder.

445. (Objection). Well that there should be the same (sort of) penance in killing as well as in the absence (of killing) is not right.

(Answer). It is true. And for this very reason those (penances) that are extended (are always to be observed) something shorter than the ones that are prescribed by regular rules, and, therefore, those penances 20 for Brâhmaṇa-slaughter etc. are, (that is,) those (penances which are described as) lasting for twelve years and so on are, (to be observed in the case of their extension) certainly a quarter less. And this (fact) has already been explained in detail.

446. Moreover, in (the case of) him who slays a Brâhmaṇa engaged in 25 performing a Soma-sacrifice which is accomplished by extracting the juice of Soma, twice the vow (of penance) lasting for twelve years etc. should be prescribed. And of those vows (of penance) that happen to be heavy or light, it should be understood that the settlement, though the feature of (the victim's) being engaged in a Soma-sacrifice remains the same, is with 30 regard to the caste, ability, quality, etc. exactly as (is said) before. But (in the case) of gross abusing a Guru and the like that are equal to Brâhmaṇa-slaughter (these offences) being less than even those (to which) penances (are) extended, it is said that the penances lasting for twelve years and so on (apply) half less. 35

Thus ends the topic on the Penances for Brâhmaṇa-slaughter.

SECTION VI.—PENANCES FOR DRINKING LIQUOR.*

447. (The sage) now begins (to describe) the penances for drinking liquor, (an offence) occurring in the order (of enumeration):

CCLIII. One who drinks Surâ attains purification 40

(*u*) S. reads *Pratibandhavaśát*, on account of being checked (in the attempt).

* In this section, the names *Surá* and so on are of technical importance and hence they are preserved as they are for want of corresponding equivalents.

on death by drinking one of these,—Surâ, water, ghee, cow's urine, and milk, resembling fire.

He who has drunk Surâ is purified by swallowing boiling Surâ, water, ghee, or cow's urine.

One who drinks liquor shall make one from among (these), Surâ and the rest, resembling fire, (that is,) having the (hot) touch and the burning power of fire, by (a gradual) 5 application of heat, and drink (it), and he attains purification on dying (thereby). As (they) occur in association with cow's urine, the ghee and milk are to be taken as being cow's alone, and also as (it) occurs in association with ghee and milk, cow's urine should be of a cow herself (and not of an ox) (v). 10

He shall swallow the burning liquid in a metallic vessel wearing wet cloth.

448. And this should be done by him having worn wet clothes, for says the text of PAIṬHÎNASI: "He who drinks Surâ shall put on wet clothes and drink Surâ which appears fire-like." Likewise (he shall drink it) in a metallic vessel, for says the text of PRACHETAS, "He who drinks liquor shall, 15 (as a penance), drink Surâ appearing fire-like in an iron vessel or (a) copper (one)."

This is the penance for a single intentional drinking.

449. And (this refers) only to a single drinking of it, for says the text of AṄGIRAS (w), "Having drunk Surâ even once one shall drink Surâ appearing fire-like." That text of VASIṢṬHA, however, which (runs thus), 20 "But a twice-born man who repeatedly (drinks) Surâ, shall drink (liquor of) the same (kind) appearing fire-like" (XX. 22), refers to the (case of) drinking intoxicants other than Surâ.

(All) this refers to (a case where) the act is done intentionally, for says 25 the text of BṚIHASPATI, "When (the sin of) drinking Surâ has been intentionally committed, that (very liquor) (in a) seething (condition) shall be poured down into his mouth. Being replete with it he attains purification when he dies."

Through delusion.

And the employing of the term 'delusion' by MANU (in), "Having 30 drunk Surâ through delusion, a twice-born man shall drink Surâ appearing fire-like" (XI. 90), is with a view to (aim at) want of correct knowledge of the meaning of the Śâstras.

450. It is a matter of reflection here whether the word 'Surâ' is 35 conventional (to signify) an intoxicant in general, or it (signifies) only the

(v) *Gomûtra* signifies the urine of an animal belonging to the class to which cow belongs. Here a female of such animal is taken excluding the male

(w) This of course is the meaning of the passage, but the text cited to support it is not suited to it inasmuch as it contains an *api* ('even'). BÂLAMBHAṬṬA tries to make sense out of this, and takes *mâtra* to mean 'entire', in which case this passage should mean, 'And this (should be done) once (as a penance) for any number of drinking put together.' Next, this does not tally with the citation that follows in the Mitâkṣarâ. Anyhow this is a point, the consistency of which is to be considered better.

three (kinds of intoxicants) extracted from jaggery, Madhu, and rice-flour or else only that extracted from rice-flour.

A. (A suggestion). Some opine that in that matter it is conventional (with regard) to an intoxicant in general, on the ground that in the (text) of VASIṢṬHA, "But a twice-born man who repeatedly (drinks) Surâ *etc.*" 5 (XX. 22), the word 'Surâ' is used in the (sense of an) intoxicant in general, which is even other than the three, that extracted from rice and the rest. Nor should it be apprehended that this (is a) use (of the word in its) secondary (sense), for as its primary sense presents itself in all cases on account of (the fact) that it possesses the distinguishing feature, (namely,) 10 the power of causing intoxication, it is not justified to regard it as being (a) secondary (sense).

Surâ is distinct from the ordinary intoxicants.

(Refuted). That is not right; for it has been shown (in the following text) by PULASTYA that Surâ is distinct from the (ordinary) intoxicants: "That extracted from bread-fruit tree (*ww*), grape-juice, that extract- 15 ed from Madhúka flowers, that extracted from date-palms (*www*), that extracted from palmyra trees (*wwww*), that extracted from sugar-cane, that produced of honey, that extracted from Sîra plant (*x*), that extracted from Ariṣṭa (*xx*), that (called) Maireya (*xxx*), and that extracted from 20 the cocoanut tree. It should be understood (that all these are of) equal (capacity), and are exactly eleven in number. But an intoxicant (known as) Surâ is the twelfth, and is declared to be the worst of all." And hence to use the word 'Surâ' to signify an intoxicant in general 25 (means that that use is in its) secondary (sense).

The term 'Surâ' is sometimes used in a secondary sense to denote intoxicants in general.

B. (Another suggestion). (i) Others, again, hold that the conventional use of the word 'Surâ' is to (signify) the (only) three, (namely,) that extracted from rice and so on. It is indeed so (they affirm). Of course the use of the word 'Surâ' is seen in several (instances), and if there is 30 any doubt (as to) where its original use is, because it can be decided from the following text of MANU, "Surâ should be known to be of three kinds, that extracted from jaggery, from Madhûka flowers, and from rice flour" (X. 94), that its original use (consists) in denoting the extracts of jaggery, Madhûka flower, and rice-flour, it is but proper to hold that its primary 35 sense is with (regard to) those (three alone).

(ii) Nor is there the fallacy of assigning (to a word) a force of

(*ww*) Artocarpus Integrifolia.

(*www*) Phœnix Sylvestris.

(*wwww*) Borassus Flabelliformis.

(*x*) Calotropis Gigantia.

(*xx*) Soap berry. Sapindus Detergens Roxb.

(*xxx*) Extracted from the blossoms of Lythrum Fructicosum with sugar etc,

denoting different things (in one and the same place) (*y*), for it can be easily removed as the power of (causing) intoxication attaches itself (to each) as a distinguishing feature.

(iii) Nor is it an unwarranted stretch (of the meaning) for the distinguishing feature (of causing intoxication) does exist even in the 5 juices extracted from the palmyra (trees) and so on, for, like the words 'Paṅkaja' (*yy*) etc., it can possess an etymological as well as a conventional meaning.

(iv) And hence (the text), "Just as the (chief) one, even so all should not be drunk by the chief of the twice-born" (*yyy*), tends to esta- 10 blish an equal sin in (the case of drinking any of the) three (kinds of) Surâs, and does not tend to lay down that these two Surâs, (namely,) that extracted from jaggery and that extracted from Madhûka flowers, have an equal (character) with that extracted from the rice-flour.

(v) The employing of the expression, "the chief of the twice-born" 15 is a synecdoche for the twice-born.

(Refutation). (i) Even this is not right, for in the text of PULASTYA, (namely), "But an intoxicant (known as) Surâ is the twelfth, and is declared to be the worst of all," it is seen that the intoxicant Surâ surpasses even that extracted 20 from jaggery and that extracted from Madhu. Likewise as from (the text), "Surâ, indeed, is the Mala ('dirty refuse') of Anna ('edible substance'), and even sin is called Mala" ('filth')" (*yyyy*), only that which is prepared from Anna is described as being Surâ, as preparation of rice etc. alone are signified by the 25 term 'Anna' in the usage, "Condiments with Anna *etc.*," and similar ones; as jaggery and honey (*z*) exist in the liquid conditions; and as with (reference to) the containers (of materials of offering in a) Sautramani-sacrifice, (it is a) preparation of Anna alone that is referred to (by the word) Surâ in the 30 Śruti text (*a*), it is the extract of the rice-flour alone that is described as the principal Surâ. And to (signify) the other two, the word 'Surâ' (is used in

Surâ surpasses jaggery and Madhu extracts.

Surâ is an extract of rice-flour itself.

(*y*) This is what is called *Arthaikatva*, which is expressed as, *Sakṛid-uchcharitaḥ Śabdaḥ sakṛideva-arthaṃ gamayati*, a word once employed must convey one and the same meaning. A word may have more meanings than one, but when used in a particular place, it must signify only one meaning and no more though it might give one meaning in one place, and a different one in another.

(*yy*) Literally, 'mire-born'; conventionally 'lotus.'

(*yyy*) MANU XI. 94.

(*yyyy*) MANU XI. 93.

(*z*) From this it is clear that *Mâdhvî* is applied equally to that extracted from Madhûka flowers and that extracted from honey (Madhu), though VIJÑÂNEŚVARA seems to think that it is the latter which is denoted by Mâdhvî.

(*a*) The Śruti text referred to is *payograhâs surâgrahâs cha gṛihyante*, cited under JAIMINI III. v. 14.

a) secondary (sense). Next what is also urged that, according to the text of MANU, "That extracted from jaggery, from Madhûka, *etc.*" (XI. 94), the meaning (of the term) is to be determined (as referring) to all the three (intoxicants) is not right either, for this (text) does not tend, as science of words (does), to establish the original sense which, as a relation, 5 exists between a word and its meaning, but, on the other hand, is intended to lay down (a substance which is) an effect. Hence on account of (their) nature to occasion a heavy penance, the employing of the term 'Surâ' to (signify) that extracted from jaggery and that extracted from Madhu (*b*) is (but) secondary. 10

A text does not fix the meaning of a term as the science of words does.

(ii—iii) And thus there is no fallacy of assigning (to a word) a force to (signify) various (things in one and the same place), nor are they even made to possess a (common character as a) distinguishing feature.

(iv) Nor is the expression 'the chief of the twice-born' has the feature of being a synecdoche here. And next, it is only that extracted from the rice-flour which is prohibited with reference to the three Varṇas thus: "Surâ, indeed, is the Mala ('dirty refuse') of Anna ('edible substance'), and even sin is called Mala ('filth'); hence a Brâhmaṇa, a Kṣatriya, and a Vaiśya shall not drink Surâ" (*bb*). But of the intoxicants, (namely,) those extracted from jaggery and so on, the prohibition is only with reference to a Brâhmaṇa and not (with reference) to a Kṣatriya and Vaiśya, for a special mention is made as "by a Brâhmaṇa" in the (following) text of MANU: "Intoxicants, flesh, Surâ, and (intoxicating) distillations are the food of Yakṣas, Râkṣasas, and Piśâchas. Such should not be partaken of by a Brâhmaṇa who eats (the remnants of) the offerings consecrated to the gods" (XI. 95). Even by BṚIHAD-VIṢṆU the prohibition of intoxicants is pointed out only (in the case) of a Brâhmaṇa (thus): "That extracted from Madhûka flowers, that extracted from sugar-cane, that extracted from Śîra, that extracted from palmyra (tree), that extracted from date palm, that extracted from Panasa ('bread-fruit'), that prepared from honey, that extracted by Madhûka flowers also, that (commonly called) Maireya, and that extracted from cocoanut tree:" These ten intoxicants are impure (and unfit to be partaken of in the case) of a Brâhmaṇa." And by BṚIHAD-YÂJÑAVALKYA, even the absence of sin is pointed out (in the case) of a Kṣatriya and Vaiśya: "If somehow, a Kṣatriya or even a Vaiśya, indeed even out of intention, drink intoxicating liquors or even Surâ, no sin arises out of it." Even by VYÂSA the drinking of the (liquor) extracted from Madhûkas is (thus) permitted (in the case) of those two 15 20 25 30 35 40

The extract of rice prohibited for the first three Varṇas in common.

All intoxicants prohibited to a Brâhmaṇa.

All except Surâ allowed to Kṣatriya and Vaisya.

(*b*) *Madhu* also means *Madhûka*.

(*bb*) MANU XI. 93.

(castes): "KṚIṢṆA and ARJUNA were seen by me both occupying the same seat and the same chariot, both besmeared with sandal pastes, and both heated with the distillation of Madhu." Although there is a prohibition of intoxicants in general in relation to a Brâhmaṇa, yet the text, "Surâ should be known to be of three kinds, that 5 extracted from jaggery, from Madhûka flowers, and from rice-flour. Just as the (chief) one, even so all shall not be drunk by the chief of the twice-born" (c), which prohibits severally that extracted from jaggery and that extracted from Madhu, tends to establish their equality with Surâ on account of the heavy nature of the sin (that results from drinking 10 them).

Surâ shall not be drunk even by non-initiated boys or unmarried girls.

451. And this prohibition of Surâ does certainly (refer to) even one who is not yet initiated into Brahmacharya and a girl as well who has not yet been married, for in the text "Hence a Brâhmaṇa, a Kṣatriya, and a Vaiśya shall not drink Surâ" 15 (d), it has been prohibited by referring to the castes alone without any distinguishing quality. And thus in, "Having drunk Surâ through delusion a twice-born man *etc.*" (e), a text laying down a penance, that expression, "a twice-born man," which has been employed by MANU, is for the purpose of (referring to) the three Varṇas by synecdoche, 20 for the rule laying down the (penance which is) occasioned (by it) is dependent upon the prohibition which has been the Nimitta ('cause'), and also in the prohibitory rule (a particular set of) Varṇas alone is (spoken of as being) the differentia (which distinguishes persons for whom Surâ is prohibited from the rest of mankind). (It is) as in (connection with) 25 the text describing the Nimitta ('cause') as, "By whichever (author of Darśa rite) Havis is offered (by mistake on the) previous (day), and when the moon rises (in the east the next dawn, and the mistake is thus discovered)," it is understood that the Havis itself (prescribed for that rite) becomes the Nimitta of the Abhyudaya (Iṣṭi) (that is to follow), and the use 30 of the term 'rice,' though it occurs in the text describing the Naimittika (—the rite occasioned by mistake—) (which runs thus), "He shall divide the rice into three portions," (and is) dependent upon the (foregoing) text, is (but) a synecdoche expressive of the Havis itself (which is prescribed for the original rite, and) consists of rice and other ingredients (f). Only (there is) 35

(c) MANU, XI. 94.

(d) MANU, XI 93.

(e) MANU, XI. 90.

(f) The reference here is to the Abhyudaya Iṣṭi. If an author of the Darśa rite mistakes somehow the fourteenth day of the dark half of the lunar month for the new moon day and performs the Darśa rite, and the mistake is subsequently discovered by the rising of the moon the succeeding dawn, he has to perform a rite called Abhyudaya Iṣṭi and the whole Darśa rite proceeded with again. The Havis prescribed for the Darśa rite is rice and curds and thus it is rice along with something else. Bearing this in mind we shall consider the following passage of the Śruti text referring to this topic: "By whichever (author of the Darśa rite) Havis is offered (by

thus much (to be) specially (noted) that as the text says, "A quarter (of the penance) should be prescribed in (the case of) boys, and this is the rule with reference to all sins," there is no (penance) resulting in death (in the case of boys) even though the act is committed intentionally, and only

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mistake) on the previous (day), and when the moon rises (in the east the next dawn and the mistake is thus discovered), he shall divide the rice into three portions. And whatever (grains of that rice is) of medium size with such he shall prepare a Puroḍâśa (and get it ready) in eight pans to (be offered to) AGNI, characterized by the quality of being a giver, with such grains as are biggest, a Charu with curds to (be offered to) INDRA who gives profusely, and with such as are finest, a Charu with boiled milk to VIṢṆU who is surrounded by radiant rays."

[*N. B.*—There are several discussions on this passage, and they form the topic of the first six Adhikaraṇas of JAIMINI VI. v, and also the eleventh and the twelfth Adhikaraṇas of IX. iv. But it is with the second Adhikaraṇa of VI. v. that the present topic is concerned].

As a preliminary to this, it must be considered that what is prescribed here is not a mere expiatory rite, but an expiatory rite followed by the regular performance of Darśa rite afresh. It is for this purpose that it is stated that the rice shall be divided into three portions, and it must not be confounded that this division into three portions is the same as the subsequent portion of the passage suggests, namely, a division into the biggest, into the medium-sized, and into the finest. That sort of division is quite plain from the very text that follows, and it requires no additional text as, "He shall divide the rice into three portions," to communicate that idea. Thus for this and other reasons, the division of rice into three portions that is mentioned in the Śruti is to be taken as dividing it into three portions so that one might be reserved for the deities to whom Havis had already been offered on the previous day, and the other two intended for AGNI and INDRA. Now with regard to these two portions, there is no doubt at all, for of them the finest grains are to be taken apart and reserved for preparing an offering to VIṢṆU, and with the medium-sized ones a Charu is to be prepared for offering to AGNI, and with the biggest a Charu to be offered to INDRA. How that is to be done and what characteristics those respective deities possess is explained in the further portion of the Śruti passage itself.

Now with regard to the Darśa rite that is to be performed afresh there is this difficulty. A certain kind of Havis consisting of rice and curds is prescribed to be employed in a Darśa rite, and that was offered on the previous day, though by mistake, and there is no text expressly laying down that the same sort of Havis is to be employed again though Darśa has to be performed afresh for the reason above stated. The only text that is active in the matter and can express anything with regard to the material of the offering is the one which says, "He shall divide the rice into three portions." Nor is there anything further to elucidate, as in the expiatory rite, how the offering is to be got ready. Thus, the question is, whether the same Havis is to be employed as is prescribed for a Darśa rite, or rice alone is to be offered.

The argument for the objection is that mere rice is to be offered for there is one text at least to lay it down so. The argument for the reply is this: The Darśa rite performed at an improper time is as good as not performed at all, and if there is any expiatory rite it is because of the mistake and cannot prevent the performance of Darśa rite afresh. Thus Darśa rite comes in afresh, and brings down with it its own Havis. Hence the mentioning of the word 'rice' in, 'He shall divide the rice into three portions,' is a synecdochical usage, and means, the materials to be employed at

the quarter itself (of that penance) should be doubled, and (the course) lasting for six years be prescribed. For says AṄGIRAS, "That which is laid down for unintentional (acts) twice that should be observed (if the same is done) intentionally."

Similarly should it be taken even in the cases of the old and the diseased. Likewise as even an intoxicant is prohibited by a limitation of the caste itself (thus), "Such should not be partaken of by a Brâhmaṇa who eats (the remnants of) the offerings consecrated to the gods" (*g*), it shall not be drunk even by one who has not been initiated into Brahmacharya.

452. (Objection). Well, how does it become a violation (of the rule in the case) of one not initiated into the Brahmacharya? For from the text of GAUTAMA, "Before initiation (into Brahmacharya, one) may follow his inclination in behaviour, his inclination in speech, and his inclination in eating" (I. ii. 1), and likewise from the text of KUMÂRA, "In swallowing

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the Darśa rite. Further, if it is taken literally to mean mere rice it becomes hard to reconcile it with the further portion of the Sruti passage. For if mere rice is offered to the deities for whom Havis of the particular description is to be offered at Darśa sacrifice, then as the word 'rice' in that text must mean rice and no more, and even to the deities of the expiatory rite rice alone will have to be offered, and not rice with curds or rice with boiled milk as the further portion of Śruti text points out. Indeed a word once used cannot have a literal as well as a synecdochical sense, and thus if 'rice' is taken to mean Havis, rice also comes under it, and the offerings can be made in the prescribed manner to the deities of the expiatory rite as well. (See JAIMINI, VI. v. 16–7).

Now technically "By whichever (author of Darśa rite) Havis etc.," is called Nimitta ('cause') Vâkya ('text' or 'clause'), that is, a text which occasions an act, the performance of Darśa rite afresh in the present case. In it occurs the word 'Havis,' suggesting that a particular kind of Havis to be employed in a Darśa rite whenever it is done. Now there is another clause, 'He shall divide the rice into three portions' and this is called a Naimittika ('relating to a Nimitta') Vâkya ('text' or 'clause') and but for the foregoing Nimitta Vâkya there was no necessity for this Naimittika Vâkya, and thus this is, so to speak, cannot have any independent existence, but is dependent upon the Nimitta Vâkya. Thus as a dependent clause, it must be in harmony with the Nimitta Vâkya, and any word or expression in it must be so interpreted as to be in consonance with the import of the Nimitta Vâkya. This can be done by taking the word 'rice' here in a synecdochical sense.

VIJÑÂNEŚVARA employs this principle to point out that the term, "twice-born man" employed in the text of MANU is to be taken in its general sense to mean any one of the three twice-born Varṇas, and not restricted to signify a Brâhmaṇa. The Nimitta Vâkya here is, "Hence a Brâhmaṇa, a Kṣatriya, and a Vaiśya shall not drink Surâ," and the other, "Having drunk Surâ, through delusion a twice-born man etc." is the Naimittika Vâkya, and must be so interpreted as to be in consonance with the import of the Nimitta Vâkya on which it is dependent. This can be done by taking "twice-born man" to mean any one belonging to the three regenerate Varṇas.

N. B.--This topic will be referred to again in a later section.

(*g*) MANU, XI. 95.

intoxicants, urine, and fæces, there is no (sin of) appreciably violating (the rule) till the fifth year (closes), and thereafter (the sin belongs) to the parents, friends, and Gurus," it can be inferred that there is no (sin of) violating (the rule).

(Answer). It is answered (thus): As in the text prohibiting Surâ and the (other) intoxicants mention is made of the caste itself as being the expression of limitation, the prohibitory rule does certainly exercise (its force) unchecked. It is with this very view that the prohibitory rule runs thus in another Smṛiti: "But the prohibition of drinking Surâ does refer to the caste (itself), and this is the settled rule."

Hence as (pointed out by) the text, "A quarter (of the penance) should be imposed on boys and this is the rule in (the case of) all sins," the significance being that "all sins" include even drinking of Surâ and the like, only a fourth (part of the twelve years' penance) is the penance for drinking Surâ.

Similarly a penance has been prescribed by JÂTÛKARṆYA even in (the case of) drinking (the other) intoxicants: "But if a boy, who, on account of ignorance, does partake of (an) intoxicant, his mother, brother, or his father likewise shall perform a treble Kṛichchhra (on his account)." Hence the text of GAUTAMA refers (*h*) to partaking of such things as things that have grown sour, stale food, and so on other than Surâ and the like (intoxicants). The text of KUMÂRA tends to establish that the sin of violating the rule is very little in fact. It is with this very view that it has been stated by MANU that Upanayana (in) itself is expiation for the sins committed prior to initiation into Brahmacharya: "By the burnt offerings relating to (the period of) pregnancy, by the Jâtakarman ('natal ceremony'), Chûḍâ ('tonsure ceremony'), and Maunjîbandhana ('the ceremony of tying a girdle of Munja grass,' *i.e.*, Upanayana), the sin relating to the seed, relating to the womb, etc. are removed from twice-born men" (II. 27).

This is the idea (running) here: The liquor extracted from rice-flour is prohibited to the three (twice-born) Varṇas ever since they are born. But to a Brâhmaṇa there is even a prohibition of an intoxicant in general, and that too from the time he is born. Next, in the case of Kṣatriyas and Vaiśyas, there is no prohibition of the liquor extracted from jaggery and the like intoxicants at any time whatever. And to a Śûdra there is neither prohibition of Surâ nor a prohibition of liquor (in general).

At no time shall a Brâhmaṇa drink any liquor; the extracts of jaggery and Madhu are never forbidden to a Kṣatriya and Vaiśya; no intoxicant is prohibited to a Śûdra.

453. (The sage now) describes another penance (for the same):

CCLIV. Or being clad in woollen cloth and wearing braided hair, he might even observe the vow (of

(*h*) II. ii. 1, referred to above.

penance prescribed) for Brâhmaṇa-slaughter. He might eat oil-cake or even stray grains at night for three years.

He who is dressed in cloth made of the hair of cows, goats, etc. is described as one clad in woollen cloth. The use of the expression "woollen cloth" is to include by synecdoche (even) rags and bark-cloths, for says the text of PRACHETAS, "He who has drunk Surâ and he who has violated (his) Guru's bed shall, being clad in rags or bark-cloth, observe the vow of (penance prescribed for) Brâhmaṇa-slaughter." The use of the expression "wearing braided hair" is to exclude the condition of being clean-shaved in the head.

He shall dress in woollen cloth.

Shall not shave his head.

454. Although they come in from the very statement that "he might observe the vow of (penance prescribed for) Brâhmaṇa-slaughter," (yet) the mentioning of wearing woollen cloth etc. is for the purpose of excluding the (wearing of) skull-bone of the man whom he himself has killed and the like (observances) that come in elsewhere.

Wearing of skull-bone etc. excluded in the present case.

This refers (to the case of) him who unintentionally drinks Surâ mistaking it for water. For, it is only that vow which, as lasting for twelve years, is laid down (in the following text) subject to the proviso of (a person's) doing the deed unintentionally, "This expiation has been prescribed for unintentionally killing a Brâhmaṇa" (MANU XI. 89), that has been extended (to this case). Also in this case, as drinking Surâ is a mortal sin, although (the rule of penance) has the nature of being (but) extended (from one set of sin to another), yet (the vow of penance) lasting for twelve years should be observed fully alone and not a quarter less. It is with this very view that VRIDDHA-HÂRÎTA (has said thus): "Those who commit mortal sins are purified with twelve years."

Twelve years' penance for drinking Surâ unintentionally.

Twelve years' penance shall be observed in full.

455. Or else, he might at night time for three years, (that is,) for a period of three years, partake of oil-cakes, (that is,) seed-mass from which the oil has been extracted. Stray grains (referred to are) stray grains of rice, or he might even eat them as aforesaid. And this (eating) should be done only once (a day), for says the text of MANU, "He may eat during one year once (a day) at night stray grains of rice or oil-cake" (XI. 92). And as this eating of oil-cake etc. is prescribed as an act of partaking a meal, (it implies) an abandonment of all other (kinds of) food. Also it must be understood that this (holds good) after one has vomited out Surâ when he

Or he might eat oil-cakes or stray grains at night time for three years.

No other food.

has drunk it mistaking for water. For says the text of VYÂSA: "One who had drunk an intoxicant (liquor) shall observe this very vow after he has vomited it out." (Partaking of) Pañchagavya also is prescribed (in) his (case) every day as a purifier of the body. 5

The liquor shall be first vomited out.

456. And it is not appealing to say that this refers to a case where, there being a contact of Surâ, a liquid that might have acquired a little of its taste or smell is drunk. For the character of that (liquid's) being Surâ cannot be got rid of even though there is a (mere) contact. It is as the quality of ghee (cannot be got 10 rid of) from curds mixed with ghee. It is, therefore, said by the adepts in Nyâya, "Statements should be made as Âjyapas ('those that drink ghee')" and not as Pṛiṣadâjyapas ('those that drink curds mixed with ghee')" (*i*).

A liquid which by the contact of Surâ has acquired the taste or smell of Surâ is as good as Surâ itself.

(There is the) text of ÂPASTAMBA, however, which runs thus: "Those 15 who have committed a theft (of gold), drunk Surâ, or had connection with their Guru's wife, but not those who have slain a Brâhmaṇa, shall eat every fourth (meal) time a little food, bathe at the time of three libations (morning, noon, and evening), passing the day standing and the night sitting, and after the lapse of three years they throw off their guilt" (I. xxv. 10); 20 and also the text of AṄGIRAS which runs thus: "Those that are affected by mortal sins are purified in three years," and both of them point to the same case as this (text), "(He might eat) oil-cake or even stray grains *etc.*" Also (there is) that couple of penances which has been described by YAMA as, "A Brâhmaṇa who has drunk Surâ might offer 25 a sacrifice in honour of BṚIHASPATI, and might attain equality with Brâhmaṇas once more. This is (the idea current) in the Vedic texts. The best of the twice-born who, if he has drunk Surâ, does make a gift of lands, is, if he does not drink it again, purified on undergoing purificatory ceremonies," and both of them too refer to the same thing as 30 the previous one. Or they may be taken to form (individually) an alternative (course) along with the (penance) lasting for twelve years inasmuch as resort is had there to the rules of excessive sacrificial fees.

Even here it should be determined that (the vow of penance lasts for) one year and a half (in the case) of boys, old men, and so on, while (in 35 the case) of those who are not (yet) initiated into Brahmacharya (the vow of penance lasts for) nine months.

And (there is the) text of MANU (which runs thus), "Or, in order to remove (the guilt of) drinking Surâ, he may eat during one year once (a

(*i*) The point here is that if curd is mixed with ghee, it is only because to produce *pṛiṣattâ*, or the condition of pṛiṣat ('spot,' literally), and ŚABARASVÂMIN says *na hi tatra kenachid virodha âjyasya*, there is nothing indeed there by which *Âjya* ('ghee') would be controverted. (See JAIMINI, X. vii. 69). Thus anything else that is to be considered as being in addition with, does only produce a quality, and cannot itself be regarded as the principal thing whatever its quantity in the mixture.

day) at night stray grains (of rice) or oil-cake, wearing woollen clothes (j) and his own hair in braids and carrying (a wine cup as) a flag" (XI. 92), and that should be understood (to hold good) when the Surâ has but reached his mouth cavity (and the act is) committed unintentionally.

457. (Objection). And well, the partaking of a liquid substance is called drinking. And partaking (of a thing) (consists in) sending it down the throat, and not a mere contact with the mouth cavity and so on. Hence, how does there come in a (sort of) penance which is occasioned by drinking?

Does drinking here connote an actual swallowing?

(Answer). It is said (thus in reply). Even that act consisting of a contact with the mouth cavity and so on without which (contact) no act of drinking can be effected, is prohibited with the (very) prohibition of the act of drinking (k). Hence although there is no mortal sin inasmuch as that the chief (act in the process of) drinking is absent, yet inasmuch as (the principal act) being prohibited, there is a prohibition of the contact of it with the mouth cavity and the like (parts of the body) which (act), being (a) secondary (one), becomes an auxiliary (to the principal act), and, therefore, the sin of violation there is, and the penance does certainly come in. (It is) as (in the text), "If one approaches for the purpose of killing, he shall observe the vow (of penance) even though he does not kill" (III. 252), where, inasmuch as killing is prohibited, there being also a prohibition of an attempt (that way) etc. (which form) auxiliaries to it, a penance is laid down (even for an auxiliary act).

Contact of it with the mouth has the character of an auxiliary to drinking and certainly involves sin.

458. Next, (there is) that text of BAUDHÂYANA which (lays down) a three months' (penance) (and runs thus), "For unintentionally drinking Surâ he shall perform Kṛichchhra penances during three months and be initiated again" (II. i. 1. 19); also (that) of YAMA which (says) "Having drunk Surâ, having killed a Brâhmaṇa, having stolen the gold of a Brâhmaṇa, and having had contact with those that have suffered degradation (from caste), a twice-born man shall perform Chândrâyaṇa"; and even (that) of BṚIHASPATI which says, "For having partaken of the (liquor) extracted from jaggery, that extracted from Madhu, and the Surâ extracted from rice-flour, a Brâhmaṇa shall duly perform a Tapta Kṛichchhra, a Parâka, and a Chândrâyaṇa respectively";– all these three should be taken, it must be understood, to refer to a drinking of it for the purpose of curing a disease which cannot yield to any other medicine. For the penance (is of a very) light (nature).

Certain light penances for partaking of liquors for medicinal purposes.

(j) The original term *vâlavâsâ* has been aptly translated by Bühler as 'wearing clothes made of cow-hair.' But as the Mitâkṣarâ on this verse says that it is the cloth made of the *loman*, hair on the body, the word woollen is substituted.

(k) *Cf.* Cl. 5, Sec. 375, I. P. C.

459. When, however, he eats food which has had the contact of Surâ, though (at the time of eating all) its essence has dried out, then he shall undergo a re-initiation (into Dvijahood). Thus says MANU: "(Men of) the three twice-born classes who have unintentionally swallowed ordure or urine, or anything that has touched Surâ, must be initiated again" (XI. 150).

Re-initiation into Dvijahood for swallowing anything which has had the contact of Surâ.

And when he drinks water that had been kept in a vessel which (once) contained Surâ but (all that essence) had dried out (at the time of keeping water), then he shall perform the (penance) prescribed by ŚÂTÂTAPA (thus): "If the water kept in a vessel which (once) contained Surâ, is drunk (by any one, then he shall) vomit it out, drink ghee, and observe fasting for one day and night." (There is also that text) of BAUDHÂYANA which (runs thus) "He who drinks water which has stood in vessels used for drinking Surâ, shall live for three days (*l*) on milk in which (the leaves of) Śaṅkhapuṣpî (plant) have been boiled and ghee" (II. i. 1. 22), but that (describes an) excessive (penance) as (the water is) standing (in the vessel for some time).

Penances for drinking water in vessels once used for containing or drinking liquors.

But when there is a repeated (doing of it) without intention, what is stated by MANU (thus should be observed): "He who has drunk water which has stood in a vessel used for keeping (the spirituous liquor called) Surâ or (any) other intoxicating drink, shall drink during five (days and) nights (nothing but) milk in which the Saṅkhapuṣpî (plant) has been boiled" (XI. 147). (There is that text) which has been stated by VIṢṆU (thus), "Having drunk water kept in a vessel in which Surâ had been kept, he shall drink for seven (days and) nights milk boiled together with Śaṅkhapuṣpî (plant)" (LII. 23), and it refers to (an act of) drinking done knowingly. But with regard to (a case) where it is repeatedly done intentionally BṚIHAD-YAMA says, "If any twice-born man drinks water kept in a vessel in which Surâ had been once preserved, he shall, for twelve days, drink milk in which are boiled Brâhmî and Suvarchalâ (leaves)."

Subsisting for five days on milk in which Saṅkhapuṣpî is boiled for an unintentional repetition.

The same penance for seven days for a conscious drinking.

Subsisting for twelve days on milk in which Brâhmî and Suvarchalâ are boiled for a conscious repetition of the act.

460. Where, again, the smell of the mouth of one who has drunk Surâ is inhaled, that (penance) prescribed by MANU (should be performed): "But when a Brâhmaṇa who has performed a Soma-sacrifice, has smelt the odour exhaled by a drinker of Surâ, he becomes pure by thrice suppressing his breath in water, and drinking ghee" (XI. 149). And this refers to (that) very (case where it is the) performer of a Soma-sacrifice who inhales it (and the act

Penances for inhaling the mouth-breath of a drunkard.

(*l*) Bühler evidently follows another reading when he has 'six days.'

is) unintentional. And when (it is) intentional, (the penance is) double. But (if it is in the case) of one who has not performed a Soma-sacrifice, (it may be) as (is) desirable. But (in a case) of inhaling the smell of Surâ directly, since that (act) is according to the statement, "Smelling of what should not be smelt and liquor *etc*." (VIṢṆU XXXVIII. 5 2), causing loss of caste, what is prescribed (thus) by MANU should be taken (to hold good): "For committing with intent any of the deeds which cause loss of caste, (the offender) shall perform a Sântapana Kṛichchhra; (for doing it) unintentionally, (the Kṛichchhra) revealed by Prajâpati" (XI. 124). 10

Penance for inhaling Surâ direct.

461. Having thus laid down the penance with regard to the drinking of the chief (liquor known as) Surâ, (the sage proceeds to) lay down the penance with reference to the drinking of liquor (in general):

CCLV. Having by mistake swallowed Surâ, semen, ordure, and urine also, all the three regenerate Varṇas 15 require re-initiation.

Next, that Brâhmaṇa who, by mistake, (that is,) taking it for water, drinks Surâ, (that is,) a spirituous liquor, and also those that are Brâhmaṇas etc. who swallow semen, ordure, or urine,—(all) these (belonging to) the three 20 regenerate Varṇas, having previously observed Tapta Kṛichchhra, require initiation again (as) penance.

Re-initiation for drinking Surâ etc. by mistake.

462. Here this re-initiation with reference to drinking (a spirituous) liquor applies only (to the case) of a Brâhmaṇa, for it has been shown that it is permitted (in the 25 case) of a Kṣatriya and Vaiśya.

Re-initiation for a Brâhmaṇa alone.

And the word 'Surâ' does signify here a (spirituous) liquor, for the penance (prescribed is) extremely light, and also the (penance) lasting for twelve years is laid down for an unintentional drinking of the principal liquor. It is with this 30 very view that the word 'Madya' ('a spirituous liquor') is employed by GAUTAMA in this (connection): "Having unintentionally swallowed Madya ('a spirituous liquor'), he shall swallow milk, ghee, water and air, each for three days (and in a) hot condition. That (constitutes) a Tapta Kṛichchhra. Thereafter he shall be initiated (again) (III. v. 2); and (the 35 same penance) for swallowing urine, ordure, a corpse, and semen" (III. v. 3) (*m*).

'Surâ' here signifies a spirituous liquor.

(*m*) The text on which the commentary of HARADATTA is based appears to be different, and does not contain the word *madya* at all. (It does not also contain *kuṇapa*). It runs thus: "*Amatyâ'pâne payo ghṛitam udakaṃ vâyuṃ pratitryahaṃ taptâni—sa kṛichchhraḥ—tato asya saṃskâraḥ*"; "*mûtra puriṣa-retasâṃ cha prâśane.*" On the other hand, the first Sûtra of the Chapter (III. v. 1) evidently shows that penances are being laid down for drinking Surâ. Bühler does not hint in his translation the commentary

Also (there is the following text) which has been stated by MANU in this (connection): "He who drinks unintentionally (the spirituous liquor called) Vâruṇî, becomes pure by being initiated (again)" (XI. 146), and it should be taken, in accordance with the text of GAUTAMA, to come only after performing a Tapta Kṛichchhra. 5

The procedure in re-initiation.

Next, re-initiation is performing of Upanayana again, and it should be performed after the manner prescribed by ÂŚVALÂYANA and others. It is thus said: "Now with regard to one who had been once initiated (I. xxii. 22): The shaving of the hair and the (pronouncing of) Medhâjanana (*n*) (might 10 be) slightly (done) (23). There is no Paridâna (*o*) (24). And no (particularity of) time (25). "The Gâyatrî (is) *Tat savituḥ vriṇîmahe*" (*p*) (26).

Kṛichchhra etc. or Chândrâyaṇa for intentionally drinking a liquor other than Surâ.

463. If one has drunk a (spirituous) liquor intentionally, then what has been stated by VASIṢṬHA should be taken (to hold good): "If one drinks intentionally an (intoxicating) liquor, or a liquor 15 which is not Surâ, or Surâ unintentionally, Kṛichchhra and Ati-Kṛichchhra (shall be performed), ghee (shall be) partaken of, and re-initiation (performed)" (XX. 19). Or (he may perform) Chândrâyaṇa prescribed by ŚAṄKHA: "He who drinks a (spirituous) liquor other than Surâ might 20 perform a Chândrâyaṇa."

Six days' penance where it enters only the mouth.

But if the (spirituous) liquor enters only the mouth, then (the penance is one of) six (days and) nights (as is) prescribed by ÂPASTAMBA: "In swallowing of what should not be eaten, what should not be drunk, and what 25 should not be licked up, and of semen, urine, and ordure, how can the penance be (performed)? Padma, Udumbara, Bilva, Palâśa, and Kuśa,—having drunk water (boiled) with these, for six (days and) nights, he is purified."

Kṛichchhra etc. and re-initiation for unintentionally drinking extracts of jaggery and Madhu.

464. And this (whole thing) refers to the (case of drinking) the spirituous liquor extracted from the palmyra (tree) and so on. But in the 30 (case of the liquor) extracted from jaggery and Madhu, unintentionally drunk, it should be understood that, according to the statement of VASIṢṬHA, "(If one drinks) a liquor which is not Surâ or Surâ

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of HARADATTA. It runs thus: "Whoever he is that intentionally or without intent, mistaking it for gruel or the like, drinks *Surâ*, he shall (drink) the four materials, the milk and the rest, hot, (that is,) in a warm condition. Because (all these are) mentioned with an accusative termination, it is understood that these should be drunk. On every (successive) day during the three days, that is, on the first of the (period) of three days he shall drink milk, on the second ghee, on the third water, and on the fourth air. The heated condition of the air is in a sunny place. This (constitutes) a Kṛichchhra.'

(*n*) Medhâjanana is the name of a Mantra so called, perhaps, on account of craving gods' benediction for the increase of one's intellect and retentive memory. See ÂŚVALÂYANA I. xiii. 2 and I. xxi. 4.

(*o*) That is, entrusting the Brahmachârin to PRAJÂPATI.

(*p*) Ṛigveda IV. iv. 25. 1.

unintentionally *etc.*," re-initiation preceded by Kṛichchhra and Ati-kṛichchhra and the drinking of ghee (form the penance).

Intentional drinking.

But if either (of the liquor extracted from jaggery and that extracted from Madhu) is drunk intentionally, then the (course of penance is) that lasting for three years 5 according (to the text), "(He might eat) oil-cake or even stray grains *etc.*" (III. 254).

The highest penance for intentional repetition of the act.

And in a case of intentionally repeated drinking of those (two) (that penance) prescribed by VASIṢṬHA (as) involving death, should be observed to hold good: "But 10 (a Brâhmaṇa) who repeatedly (and intentionally partakes) of Surâ, shall drink Surâ (itself) appearing fire-like. He becomes pure by dying" (XX. 22).

The word 'Surâ' here does not denote that (particular) liquor extracted from rice-flour, for it is shown that even on a single drinking of (it the 15 penance) is that ending with death.

Penances for drinking water contained in a vessel in which an intoxicant used to be kept.

465. If the water contained in a vessel in which a spirituous liquor has been kept (formerly) (but which was) dry (at the time of keeping water) is drunk unintentionally then (the penance is) that prescribed by BṚIHAD-YAMA (thus): "If 20 any Brâhmaṇa drinks water contained in a vessel in which a spirituous liquor had been (once) kept, (then) he shall, for three days, subsist on milk in which the roots of Kuśa grass (are boiled)."

For unintentional repetition.

But if that is unintentionally repeated (then the penance is the one) 25 laid down by VASIṢṬHA (thus): "If a Brâhmaṇa drinks water which has stood in a vessel used for (keeping) spirituous liquor, then a decoction of Padma, Udumbara, Bilva, Palâśa, and Kuśa he shall drink for three days, and is (thereby) purified" (*q*) (XX. 21). But if (the act of) drinking is done intentionally, 30 then (the penance is) prescribed by VIṢṆU (thus):

Intentional drinking.

"Having drunk water contained in a vessel which was (once) used for keeping a spirituous liquor, he shall drink for five days water in which the Śaṅkhapuṣpî leaves have been boiled" (L. I. 24) (*r*).

(*q*) It is curious to notice that this quotation from VASIṢṬHA presents a metrical form as given by VIJÑÂNEŚVARA, whereas that found in the Bombay edition is, *Madyabhâṇḍe sthitâ apo yadi kaś-chit dvijaḥ pibet padma-udumbara-bilva-palâśânam-udakaṃ pîtvâ trirâtreṇaiva śuddhyatî*, which is thus translated by Bühler: "If a Brâhmaṇa drinks water which has stood in a vessel used for (keeping) spirituous liquor he becomes pure by drinking three days, water (mixed with a decoction) of lotus, Udumbara, Bilva, and Palâśa (leaves)."

(*r*) As is always noticed VIJÑÂNEŚVARA seldom quotes VIṢṆU in the form in which it occurs in the Asiatic Society edition of it by Jolly. The present seems to be a combination of parts of the two Sûtras (LI. 23 and LI. 24) which run thus: *Apaḥ surâbhâṇḍa-sthâḥ pîtvâ saptarâtraṃ śaṅkhapuṣpî-śrutaṃ payaḥ pibet* (23). *Madya-bhâṇḍasthâś cha pañcharâtram* (24).

But if that repetition is intentional (then the penance is the one) prescribed by ŚAṄKHA (thus): "Having drunk water contained in a vessel used for (keeping) spirituous liquor, he shall (for) seven (days and) nights drink barley gruel and cow's urine." 5

Intentional repetition.

And if the repetition is excessive (then the penance is) prescribed, by HÂRÎTA: "If a twice-born man drinks water contained in a vessel used for (keeping) spirituous liquor, then for twelve days he shall drink milk along with Brâhmî and Suvarchalâ." 10

Intentional repetition excessively.

And in these texts the use of the term 'Dvija' ('a twice-born man') is intended to denote a Brâhmaṇa, and it has been shown already (that it is so) as they are not forbidden for a Kṣatriya and Vaiśya. And this refers to the drinking of water which is contained in a vessel used for (keeping) 15 a spirituous liquor, either the one extracted from jaggery or that extracted from Madhu, (and it must be taken to be so) on account of the heaviness of the penance. But for drinking water contained in a vessel used for (keeping) a spirituous liquor extracted from palmyra (trees) etc., (one that is suited) should be devised 20

'Dvija' here signifies a Brâhmaṇa.

466. (The sage now) says with reference to a wife of (one of) the twice-born (classes):

CCLVI. That wife of a Brâhmaṇa who drinks Surâ cannot attain the world to which (her) husband (ascends). She is born here alone (again) as a bitch, a female eagle, 25 and a sow.

If she who is the wife of a twice-born man drinks Surâ, she does not attain the world to which (her) husband (ascends) though she (is one) who has performed meritorious deeds, and, on the other hand, gets a birth among 30 beasts (etc.) as represented by a bitch, a female eagle, and a sow in order.

A Brâhmaṇa's wife who drinks Surâ misses her husband's worlds.

467. The use of the word 'Brâhmaṇî' ('the wife of a Brâhmaṇa') here is a synecdoche to denote all the women that are the wives of a Brâhmaṇa according to the law (which says), "Three 35 (are the wives of a Brâhmaṇa) in the order of the Varṇas *etc.*" (I. 57). It is with this very view that MANU has, "Half the body of him whose wife drinks Surâ suffers degradation, and to half of the body that has suffered degradation, no expiation is prescribed." As their rights to discharge 40 religious duties and to secure wealth and enjoyment, go (ever) hand in hand, the bodies of the husband and wife form one (whole), and hence, of a twice-born man whose wife drinks Surâ, half the body which is of

'Wife of a Brâhmaṇa' denotes any wife of his from among regenerate classes.

the nature of wife suffers degradation, and to that half of the body which is of the nature of wife and has suffered degradation, 'no expiation is prescribed.' Therefore Surâ should not be drunk by the wife of a twice-born man, (that is,) the wife of a Brâhmaṇa and so on.

Even a Śûdra woman who is a Brâhmaṇa's wife shall not drink Surâ.

Although in the prohibitory rule, "Hence a Brâhmaṇa, a Kṣatriya, and a Vaiśya shall not drink Surâ" (MANU XI. 93), the gender being not intended to be significant, the prohibition of it even (in the case) of the wives of (those) three Varṇas is (an) accomplished (fact), yet the mentioning of it again is to bring in the prohibition of Surâ even (in the case) of a woman of Śûdra caste (who has become) the wife of a twice-born man. Hence if Surâ is drunk by the wives of the twice-born persons, then they shall observe half of the penance (prescribed in each case).

Half the penance to such woman.

No penance in the case of a Śûdra woman who is a Śûdra's wife.

468. But in the case of a woman of Śûdra caste who becomes the wife of a Śûdra, there is no prohibition of it exactly as (in the case) of a Śûdra (to whom it is not forbidden).

And in the (case of offences) equal to drinking Surâ, (that is,) partaking of a thing which should not be eaten, it has already been said that the penance is half (of that) prescribed for drinking Surâ.

Thus ends the topic on Drinking Liquors.

SECTION VII.—PENANCES FOR STEALING GOLD.

469. (The sage) now describes the penance for stealing Suvarṇa (s) ('gold') (as that) occurs in the order:

CLVII. He who steals Brâhmaṇa's Suvarṇa ('gold') shall offer to the king a mace declaring the act he has committed. If he is killed by him or survives (the stroke at his hands) he is rendered pure.

He who steals Suvarṇa of Brâhmaṇa shall offer a mace to the king and be struck with it.

He who steals Suvarṇa (s) which belongs to a Brâhmaṇa shall offer a mace to the king declaring the act he has committed, as, '(The offence of) stealing Suvarṇa has been committed by me.' As the offering of the mace has an obvious purpose, the king shall strike him with that mace. If he is killed by the king or survives (the stroke at his hands) (the culprit) is rendered pure (t).

(s) Though *Suvarṇa* means gold, yet on account of the explanation that follows that it should be taken to be a certain amount of gold measuring one Suvarṇa, the original word is retained. See I. 363.

(t) The original word *mukta* cannot be translated as 'set free' on account of the explanation that follows.

470. By the term 'Apaharaṇa' ('stealing)' is denoted taking (a thing) away in (the owner's) own presence or in his absence, by force or by theft, without (any regular process as) purchase etc. bringing about the (taker's) ownership.

Definition of 'Stealing'

471. Of course it is stated in general (terms) that a mace shall be offered, and, nevertheless, as it is intended for the purpose of striking (the culprit) dead one suited for the (purpose), such as one made of iron, should be taken. It is with this very view that it has been stated by MANU (thus): "(And he must) carry on his shoulder a mace, or a club of Khadira (*u*) wood, a sword sharp at both ends, or even a rod of iron" (VIII. 315) (*v*). A special (rule) has been enunciated even by ŚAṄKHA in this connection: "He who has stolen Suvarṇa shall, with his hair dishevelled, wearing on wet raiments, and carrying a mace, proceed to the king saying, 'This sin has been committed by me; kill me with this mace,' and he is rendered pure if punished by the king."

Mace must be capable of causing death.

The appearance of the culprit before the king.

And the striking (with the mace), as there is no rule to support its repetition, shall be done only once. It is with this very view (that it has been thus stated) by MANU: "Taking (from him) the mace (which he carries) the king shall himself strike him only once" (XI. 100). It means that, being once struck by the king, if he is killed, or survives (the stroke), (that is,) (lives by escaping) death, is purified. Even so has it been stated by SAṂVARTA: "Taking the mace from him (the king) shall himself strike only once. If that thief lives (even then) he is purified from that theft." It is (exactly) as that stated in connection with Brâhmaṇa-slaughter: "(Or) even if painfully struck and all but killed he is purified though lives" (III. 248).

The king in person shall inflict only one stroke.

The culprit is purified whether he survives the stroke or dies.

472. (Objection 1). Well, why is it that that meaning that the thief is (when), without being struck at all, *mukta* (*w*), set free, by the king is purified (from the sin of theft) is not preferred?

(Answer). (It) is replied (thus): (It it not preferred) for, in the text of GAUTAMA, "If he does not strike, the king contracts sin," sin is described (to fall to the lot) of that king who does not deal the blow.

The king becomes a sinner if he does not punish the thief.

(Objection 2). Let the sin be to the king: but how does the thief who is *mukta*, set free, by the king, who might transgress the rule of prohibition on account of pity and the like, is not purified? If it is so asked,

There must be a cause effecting purification.

(*u*) Khadira is a tree, Acacia Catechu, well known for its hardness.

(*v*) Slight alterations have been made in Bühler's translation to make it more apt.

(*w*) The original has *mukta* which means both the things. Hence the discussion.

(Answer). the answer is (this): If it were so, a sort of purification (to the culprit) should arise for no cause whatever (to effect it).

(Objection 3). Then it is (thus) urged: As it is admitted that after his acquittal, purification can come about through an observance (of the vow of penance) lasting for twelve years etc., it is not (right to hold that it 5 arises) out of no cause whatever (to effect it).

'Mokṣa' itself is the cause of purification.

(Answer). Even that is not appealing. For (the text says), "He is rendered pure (when) *mukta*," and (thus) Mokṣa ('the act of his being *mukta*') ('surviving') alone is described as being the cause of purification. 10

Hence the previous explanation itself is better (fitted) (x). That is to say, or even if he survives (the stroke), (that is,) lives by (escaping) death, he is purified.

The above penance holds good irrespective of the culprit's Varṇa.

473. And this (penance) resulting in death refers to a thief of any Varṇa whatsoever and not merely to a Brâhmaṇa. For nothing special is 15 mentioned in the Naimittika text ('text laying down a penance occasioned'), "He who steals a Brâhmaṇa's Suvarṇa *etc.*"; and also, because there is no authoritative mentioning of a different penance with reference to a Kṣatriya and the rest inasmuch as that they become mortal sinners equally. That use, however, of 20 the term 'Brâhmaṇa' in (this text) of MANU, "A Brâhmaṇa who has stolen the Suvarṇa (of a Brâhmaṇa)" (XI. 99), is a synecdoche indicative of man in general. For according (to the text,) "(Such a) man must perform a penance" (xx), (any) one whosoever forms the subject of the topic (provided he satisfies that description); and 25 also because in this Nimitta text ('text describing the cause which occasions a penance'), "Killing a Brâhmaṇa, drinking (the spirituous liquor called) Surâ, stealing (the Suvarṇa of a Brâhmaṇa), and adultery with a Guru's wife, *etc.*" (XI. 54), nothing special (with regard to Varṇa) is mentioned. And in the Naimittika text ('text laying down a penance occa- 30 sioned by it'), "A Brâhmaṇa who has stolen the Suvarṇa (of a Brâhmaṇa) *etc.*", which is dependent upon it, though there is the mention (of the term 'Brâhmaṇa'), it is but proper (to take it as) a synecdoche. It is as in (connection with) Abhyudaya-Iṣṭi (which is introduced by the Nimitta Vâkya), 35 "By whichever (author of Darśa rite), Havis *etc.*," the employing of the word 'rice' (in the subsequent Naimittika clause is expressive) of the Havis itself (y).

474. And this dealing a stroke by the king is (to be applied) to one who is other than a Brâhmaṇa, for in the text of MANU, "He shall never

(x) S. omits the portion of which the following sentence is the translation.

(xx) MANU XI. 44.

(y) See note (f) under Sec. 451, *supra*.

S. is misleading when it reads *iti vá*, or thus, where it ought to read *iti vâkye* in the text or passage.

slay a Brâhmaṇa though he has committed all (possible) crimes" (VIII. 380), the killing of a Brâhmaṇa (even by way of punishing) is prohibited. And if somehow he is struck by the king who might violate the (rule of) prohibition, he is purified nevertheless. For in (the text), "The thief (of a Brâhmaṇa's Suvarṇa) becomes pure by being killed, or (if) a Brâhmaṇa (he may purify himself) by mere austerities" (z), it has been pointed out that purification by being killed by the mace (also applies to the case) of a Brâhmaṇa. 5

A blow with the mace shall not be inflicted on a Brâhmaṇa.

475. Nor (should it be supposed that) because of the word "mere" in the text, "by mere austerities," there is a prohibition of dealing a blow, for that (only) tends to point out that by sheer austerities and nothing more there can be purification (in) his (case). It is not right to hold that if killing is prohibited, then (the conducting of) austerities as per rule, "Or by mere austerities," is an alternative (course). Nor is (the fact) that an alternative (course whereby the sin is removed) is laid down intended to express (that there shall be) a punishment, for that is nowhere (so) expressed. Moreover, according to the law, "Those that have the same purpose (to fulfil) act as alternatives" (a), (the fact that the means prescribed have got) a character of (being) alternatives (is recognized) only (in a case) where they have the same purpose (to fulfil), as (for example in the case) of rice and barley. Nor have the punishment and austerities the same purpose (to fulfil), for the punishment is for the purpose of curbing (and bringing to a harmless condition) while the austerities act as a cause of destroying sin. Nor can the austerities having for its theme (a Brâhmaṇa) in particular as the (text says), "Or (if) a Brâhmaṇa (he may purify himself) by mere austerities" (aa), can possibly stand in the capacity of an alternative with being struck (by a mace) having for its theme (a man) in general as (the text), "A thief (of a Brâhmaṇa's Suvarṇa) becomes pure by being killed," (aa) says. Indeed there is no alternative character (in them) as in, "Let curds be served to the Brâhmaṇas, or butter milk to KAUṆḌINYA (b)." Therefore, both refer (to any man) in general. Or (it may be taken that) this 10 15 20 25 30

Performing of austerities is no alternative.

(z) MANU XI. 100.

(a) JAIMINI XII. iii. 10. The law is that where the same object can be realized by different means, then resort should be had to only one of the means, or there would be the violation of the rule by unnecessary repetitions. It should not be supposed that as in grinding, where both the upper and lower millstones have a joint purpose to fulfil, these alternatives are in any way of mutual help, but should be taken that each is independent in itself. It is said *Vrîhibhiḥ yajeta*, he shall make offerings with rice, and it shows that rice has got the quality of forming the means of the sacrifice quite independently of barley. It is also said *Yavaiḥ yajeta*, he shall make offerings with barley, showing that barley forms the means of sacrifice quite independently of rice. Hence offerings should be made with either rice or barley, and if both are used there is an undesirable repetition of the chief rite itself.

(aa) MANU XI. 100.

(b) *Note*—KAUṆḌINYA too is a Brâhmaṇa.

prohibition does not extend to (the case of) a Kṣatriya also, for (the following) being said by MANU, "A Brâhmaṇa who has stolen the Suvarṇa (of a Brâhmaṇa, *etc.*), (it is added), "Taking (from him) the mace (which he carries) the king shall himself strike *him* only once" (XI. 100), wherein inflicting a stroke on is prescribed (indicating the person) by a pronoun, thus certainly referring to the Brâhmaṇa who forms the subject of the topic on hand. And also because it is possible to construe the text, "Let him never inflict a stroke (on) a Brâhmaṇa *etc.*", as referring to inflicting a stroke which is other than (for his) penance and is of the nature of (corporeal) punishment. 5 10

A stroke may be inflicted on a Kṣatriya.

476. And this course of penance ending in by death refers to (a case where) theft (is committed) intentionally. For says the text of MADHYAMA-AṄGIRAS, "And verily that penance which has been prescribed by the wise as resulting in death, it should be understood, refers to a sin committed with intent and there is no doubt about it." 15

Penance ending in death only in case of an intentional theft of Suvarṇa.

477. And in this (topic) the term 'Suvarṇa' denotes the material (called) gold, subject to a quantitative limit, and is not a mere class name. For it is conventionally held that the word 'Suvarṇa' refers to gold of the extent of sixteen Mâṣas (as can be seen by the following passage): "A mote of dust (observed) in the midst of the sun's rays (getting in) through the window is described to be a Trasareṇu. Eight (of) these (Trasareṇus) make one Likṣâ (['egg of a] louse') while three of those (Likṣâs), it is said, (make) one Râjasarṣapa ('black mustard'). "Three (of) those (Râjasarṣapas) (make) one Gaurasarṣapa ('white mustard'). Six (of those Gaurasarṣapas) (make) one Yava ('barley') of medium (size). And three (of) those (medium-size Yavas) make one Kṛiṣṇala. Five (of) those (Kṛiṣṇalas) make one Mâṣa, while sixteen (of) those Mâṣas one Suvarṇa" (I. 361-3) (*c*). Hence in such usages as, 'Stealing a Brâhmaṇa's *Suvarṇa* is a mortal sin,' it is but right to take Suvarṇa as being of a determinate quantity itself, for the determining of the quantity has got an obvious purpose (to fulfil). Indeed the Smṛiti text laying down the measurement (by weight) has no occult purpose (to serve). Nor is it for the purpose of (guiding men in their) worldly transactions, for the efforts of the Smṛiti-expounders are not merely tending that way. It is with this very 20 25 30 35

'Suvarṇa' signifies one Suvarṇa weight of gold.

(c) A mote of dust is called a Trasareṇu.

8 Trasareṇus	make	1 Likṣâ ('Egg of a louse').
3 Likṣâs	"	1 Râjasarṣapa ('black mustard').
3 Râjasarṣapas	"	1 Gaurasarṣapa ('white mustard').
6 Gaurasarṣapas	"	1 Yava (of medium size).
6 Yavas	"	1 Kṛiṣṇala.
5 Kṛiṣṇalas	"	1 Mâṣa.
16 Mâṣas	"	1 Suvarṇa.

N.B.—All these are to be taken of medium size, neither too big nor too small.

view that the adepts in Nyâya say, "At the time of application, the technical nature and convention make their presence (felt)" (*d*). Similarly it has been said in connection with *Pañchadaśâni âjyâni* ('fifteen Âjya-*stotras*'), fifteen Âjya chants, that though a name, one thing acquires its significance when its connotation and the results (expected of it) are 5 taken into consideration with it (*e*). Nor is it proper to say that it has

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(*d*) This is a grammatical law (Paribhâṣâ 3). In grammar there are two cases Yathoddeśa-pakṣa and Kâryakâla-pakṣa, and all the nomenclature and convention employed are subject to one of these. 'Yathoddeśa' means in accordance with the requirements of the particular place, and 'Kâryakâla' (literally, the time of action), the time when the application of a particular rule is to be made. A technical term or a scientific convention employed subject to the first case has its purpose served when an application of it is made in connection with the particular place. But the case of Kâryakâla is different. A term may be employed or a convention noticed in a certain place, and though, in fact, it has no ready purpose to serve there, yet it simply waits, as it were, for the time of its application, and when that comes it asserts itself.

VIJÑÂNEŚVARA's excuse to cite this maxim, (of course the expression is slightly altered from the form in which it occurs in grammar,) is this: The terms 'Suvarṇa' etc., were defined in a certain previous passage, and there was no ready previous excuse to introduce that topic. Thus it is stated there after the manner of Kâryakâla-pakṣa well known in grammatical literature, and the terms etc. that are defined there wait for an opportunity, and when one comes, as for example, the present one, they exert all their significance.

(*e*) The discussion with regard to *Pañchadaśâni Âjyâni* occurs under the JAIMINI I. iv. 3, which says '(In a Vâkya) wherein (several) qualitative notions are expressed (the terms expressive of those qualities do not form qualitative adjuncts lest there results Vâkyabheda, a split of sentence, but) they are to be taken with the chief (notion conveyed by the predicate).' But the sentence *Nâma âpi guṇa-phala-upabandhât arthavad iti uktam*, which VIJÑÂNEŚVARA gives occurs in SABARASVÂMIN'S Bhâṣya on I. iv. 2, and thus we propose to give a gist of the argument running through JAIMINI I. iv. 1-3, so as to elucidate the matter as best as possible.

It has been said that the Vedic texts are for this purpose (of developing the idea that an act is to be done), and, therefore, everything is meant for it. (Sûtra 1).

There are such texts as *Udbhidâ yajeta* (he shall offer an Udbhid), *Balabhidâ yajeta* (he shall offer a Balabhit), *Abhijitâ yajeta* (he shall offer an Abhijit), *Viśvajitâ yajeta* (he shall offer a Viśvajit), and so on. The question is whether *Udbhidâ* etc. are qualifying adjuncts or the names of sacrifices. As it stands both interpretations are possible, and the word *Udbhidâ* is syntactically connected with the word *yajeta*. If we recognize that the relation between them is one of denotations mutually independent, then we have to interpret it as that the sacrifice is to be performed with the material known as *Udbhid*, or if we recognize that the relation between them is one of mutual predication, then it means he shall perform a sacrifice known as *Udbhid*.

The argument for the objection is as follows: Well, all the Vedic texts are for the purpose of developing the idea that an act is to be done: Certain texts, for example, *Somena yajeta* (he shall offer Soma), there are of which only a portion is the original injunction, (for example, *yajeta*, he shall offer, in the above example), and the remaining part, (*Somena* in the present case, for example,) communicates an idea which is not known but for the teaching of such a text. Certain other texts are Arthavâdas, and while encouraging one to do an act, extol, as it were, the act itself. Of this class we

been held that the texts relating to the weight (of gold) are useful only in

may note, *Vâyuḥ vai kṣepiṣṭhâ devatâ*, VÂYU indeed is the fleetest deity, a text which encourages one to begin an act because of the special nature of the merit he becomes entitled to, and at the same time extol that the act that is to be performed can bring an extra special sort of merit. There is another class of texts which contain certain ideas that are laid down, and remind the author of a sacrifice of them at the time of the actual procedure. As an example of this class we can give *Barhis devasadanam dâmi*, I cut thee, O Kuśa grass, (for making) a seat for the gods. Such, for example, is the purpose of the Vedic text, and thus they all develop the idea that an act is to be done Thus the words *Udbhidâ* etc. go to develop the idea contained in the predicate strictly so called. Some propose that all such are to be classed under Arthavâdas, and that should not be done for that would involve the fallacy of Vâkyabheda, a split of sentence. Others say that they are Mantras themselves, and that is not right either for the predicate, strictly so called, being removed, these are incapable of communicating any complete import. Thus, after the law of Pariśeṣa ('remainder'), these are qualitative injunctions. Three purposes are served by this interpretation, and the most apparent meaning of the terms is recognized. The recognition of the fact that they are qualifying adjuncts is advantageous inasmuch as that they suggest materials etc. which are to be employed in the sacrifice, and the application acquires a certain amount of validity. No one understands that these terms are signifying of particular sacrifices, nor does the Veda apparently establish these conventions. Some urge that if these are qualitative injunctions then they must enjoin a certain act, and an act there being already apparent, a qualitative injunction has no purpose to serve We reply that it is not so, and, for example, where Jyotiṣṭoma is the principal act, this qualitative injunction has a purpose to serve there by mentioning certain additional essentials. On the other hand if those terms have the character of nomenclature about them, then, for instance, the meaning would be, to whatever extent he performs a sacrifice to that extent he shall perform an *Udbhid* one, and thus there is a particular quality expressed when the proposition is stated. What is more, if it is a qualitative injunction, the quality mentioned is attributed to the act, and the proposition becomes richer in meaning, and the words *Udbhidâ* etc. becomes more significant. Thus we conclude that it is a qualitative injunction.

[*N.B.*—The original has Guṇavidhi, which is here translated as qualitative injunction, because it is something which, though cannot make a complete declaration, is, yet, sufficient to enjoin certain auxiliaries or essentials to the principal act].

The argument for the reply is as follows :

Or rather (that) can (better) be a name, which, at its first mention does not communicate (anything already) familiar, for (such a thing) cannot be a (qualitative) injunction. (Sûtra 2).

It is affirmed that it is a name itself, and thus lays down something which had not been otherwise enjoined already. We thus understand that *Udbhid*, for instance, is a sacrifice different from Jyotiṣṭoma, and the proposition also lays down some sacrifice only if the present interpretation is given. Or in the other case, were it regarded as a qualitative injunction, then to communicate the idea of *Udbhid*, it must denote something involving *Udbhid*, and make a declaration that he shall perform a sacrifice which involves *Udbhid*. The word *yajeta* denotes *yâgena kuryât*, a sacrifice shall be performed, and as here the word is expressed with an instrumental termination, it is so to speak an "instrument," and that 'instrument" itself is the sacrifice. If in *Udbhidâ yajeta*, we regard it as mentioning the name of a sacrifice, the mutual predication of the two terms can be properly explained, while if we regard it as indicative

determining the penalty, for there is no authoritative basis to (point out

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of any sacrificial material we have to justify this fact of mutual predication on the supposition that *Udbhid* means metonymically something involving *Udbhid*. It is fitter to interpret a proposition as it runs than to unnecessarily twist it so as to yield a metonymic sense. Hence it is the name of a sacrifice.

Some raise an objection here that if this be accepted then it were to ignore the well known fact that it indicates the sacrificial material and bring in an unheard of idea that points out the name of a certain sacrifice. The answer is that the instrumental termination in *Udbhid* i is to be considered and the term regarded as pointing out the name of a sacrifice. For those words that denote an "instrument" take the instrumental case-endings, the "instrument" here is a sacrifice, and, therefore, we infer that it is the name of a sacrifice. The objectors do not accept this readily but further raise the question that this could be so if by the words *Udbhid* etc., when they are expressed with an instrumental termination, the notion of a sacrifice could come to our mind, and add that, for their part, no such impression comes to them and that they are justified to pronounce that our explanation is wrong. They apprehend that we might say that the instrumental case is otherwise untenable, and advance their answer that it matters not if that cannot be justified, but those terms cannot point out to the names of sacrifices when no such impression is conveyed at all to the mind. They thus assert that it is a qualitative injunction, and with regard to our objection to it that that means a metonymic sense, their answer is that they would rather have a metonymic sense, though it were to twist the text to yield that meaning, than accept that the terms are indicative of the names of sacrifices. They reason that metonymy is after all a popular convention, while to assign a sense that is not conventionally familiar is but perverse outrage. Moreover, according to them, if the terms point out mere names, then there cannot result a sacrifice of a particular description, and if they denote a sacrifice of a particular description, then they cannot be the names.

We have to meet this objection by saying that those terms do not enjoin any fresh nomenclature, and all that *Udbhidâ* etc. are to be Anuvâdas or explanatory repetitions of something otherwise coming in. The expressive powers of the particle *ut* and the root *bhid* go to make the word *Udbhid* signify a certain act, and an Udbhid sacrifice is so called because *Udbhedana* or display of the particular sacrificial animal is made thereby. That is the chief purpose, and after a conquest an Abhijit sacrifice is performed, after Viśvajaya—conquest of the world—a Viśvajit sacrifice is performed, and thus it is in all cases. The only point of objection left is that it is after all useless to establish the validity of application of a thing which does not come in of its own accord, and this is answered best when it is said that it has a set purpose, and though a name, one thing acquires its significance when its connotations and the results (expected of it) are taken into consideration with it.

Now almost the same argument holds good in the case of *Pañchadaśâni âjyâni*.

Where (there is such a doubt), it is pointed out as possessing a different character of being united to the principal act. (Sûtra 3).

[*N.B.*—Several other examples are considered with *Pañchadaśâni âjyâni* as the argument is more or less of the same nature.]

With regard to the question whether the word 'Âjyâni' is a qualitative injunction here or the name of an act, the argument for the objection is that it is a qualitative injunction, for the most apparent meaning is to be taken, it has got a certain purpose to fulfil by suggesting new facts, and besides the application acquires a certain amount of validity. Surely 'Âjya' is not commonly employed in the sense of any

that) it means only thus much. Hence it is proper (to hold) that without any particular (reference) it applies to all that follows (*f*).

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particular religious act, or has it any etymological meaning. When *Âjyâni* is expressed it is not meant to communicate through it any particular quality or suggest any desired effect that is to be acquired through it. Even supposing that it is used significantly to express any particular quality other than the intrinsic import, it cannot acquire a metonymic sense. Thus it ought to be quietly taken to be a qualitative injunction.

The argument for the reply is as follows: Where there is a doubt whether one thing is to be construed as a qualitative injunction or the name of a sacrifice, it is pointed out that all its import is to be added to the principal act. That is to say, it becomes the name of a certain act. If we take it as a qualitative injunction, then by a single Vâkya or sentence it is not possible to communicate the quality as well as the merit that results from the act. Now in *Pañchadaśâni âjyâni bhavanti*, fifteen are the Âjyas, there is this quality that the Âjyas are fifteen, and no Âjya which is not laid down to be employed in the chants can ever intrude. No other text is there to determine the number of Âjyas that are to be employed in the chants, and thus the present text has to enjoin the Âjyas that are to be employed and point out in addition that fifteen of the Âjyas that are enjoined are to be taken. The relation between fifteen and the Âjyas can be readily understood. To begin with, it is not known that the Âjyas have anything to do with the chants, nor is it known what relation there can be between them and the fifteen. Both of these facts cannot possibly be determined authoritatively by a single sentence before us. On the other hand, if we take it as the name of a certain act, this difficulty disappears, and the relation between the Âjyas and fifteen becomes only a numerical one. Moreover that the Âjyas are chants is expressed by the metonymic significance of *stotrâṇi*, Stotras or chants. Thus it is the name of a certain act itself, and the same can be seen in the other text, *âjyaiḥ stuvati*, he praises with the Âjya chants. The objection that 'Âjya' is not commonly employed in the sense of a religious act can be removed by establishing this idea with the etymological meaning of this word: They are called Âjyas because of *âjigamana* to which they are put to. This is not a mere conjecture either for the fact may be verified by this Arthavâda text found in Nirukta, *yad âjimîyuḥ tad âjyânâm âjyatvam.* How then, it might be asked, that it is not laid down that the Âjyas distinguished by the quality of being fifteen are to be employed in the chant in question? That could have been done if a single term expressive of both the ideas of fifteen and Âjya could be had. If it is said that these two words 'fifteen' and 'Âjya' can jointly serve the purpose, the answer is, both the words cannot have an enjoining character, for it is only one that enjoins and the other shows what is intended in that connection. If both of them have a character of injunction then there cannot be a mutual relation between them, and if neither of them have that character, then there is nothing to connect it with the chant. Nor can one word possess the character of injunction, while the other intended to point to some quality.........

The gist of this topic points out that when 'Âjya' is used in the above sense, it must be taken to mean fifteen Âjyas, one word itself having another meaning latent in it.

(*f*) This is what is called Sarvaśeṣa-Nyâya: The reference is this: In connection with Darśa-pûrṇamâsa, there are certain Śeṣakâryas or residuary rites, which are known as Aiḍa (relating to Iḍâ), Prâśitra, Sauviṣṭakṛit ('relating to Sviṣṭakṛit') and Avadâna. All these rites are to be performed with the remnant of the Havis, and the

Moreover, penalty (in money) being (mulcting a person) intended to curb (and make him harmless), as (that) curbing can be accomplished without (the necessary resort to) a particular (conventional) quantity, the text relating to weights cannot serve much useful purpose. But the idea that one (can be said to have) committed a mortal sin etc. is to be 5 understood merely by (the employment of certain) terms (in the Śâstras), and (in that connection, such) texts (as were otherwise) isolated serve (important) purposes. Hence, one (is said to have) committed a mortal sin only when he has stolen a quantity of gold amounting to sixteen Mâṣas, and also the rules enjoining a penance resulting in death and 10 so on are (only) on that account. The stealing of (a Brâhmaṇa's) gold to the extent of two, three, etc. Mâṣas is certainly a minor sin resembling the stealing of gold belonging to a Kṣatriya or the like, and it is fitting (to take it as such alone). Moreover, as texts are found prescribing different penances for stealing gold consisting of a 15 less quantity than one Suvarṇa, it is proper (to hold) that the penances involving death and so on do (only refer to the case) of stealing gold consisting of only that very quantity. Even so has it been said in the Ṣaṭtriṃśanmata, "If as much (gold)

Stealing two or three Mâṣas of a Brâhmaṇa's gold is but a minor sin.

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question naturally arises whether as many are to be performed as there are Havis's, or only one would do. The argument for the objection is of course this: Havis's being intended to be offered in connection with the principal sacrifices they are not prescribed for any residuary rite. Only it is a śâstraic injunction that with the rest an offering is to be made to Sviṣṭakṛit, and as the purpose of the Śâstra is served even by one offering any one offering would do. Again, residuary rites are not prescribed because there is a possibility of portions of Havis's being left, and on the other hand the remnants of Havis serve only a subsidiary purpose in connection with residuary rites. Thus it is necessary and sufficient that one residuary offering should be made, and the principal is complete with any one such offering.

The argument for the reply is that the residuary rite shall be performed with the remnants of all the Havis's, for what holds good in connection with the remnant of one Havis, holds good with the remnants of all other Havis's. If, however, this cannot be established in connection with any particular sacrifice,then, in that case, this might as well be omitted, that is all. Thus the residuary rites are necessary with all Havis-remnants. This can be verified from the existence of the following text also supplying us with an interpretive indication: "The gods spoke to Sviṣṭakṛit, 'Carry unto us the sacrificial viands.' He said, 'I solicit a boon that there might be a moiety to me.' 'Speak out what you want' they said. He said, 'Let an offering be made to me *once and once* with the last portion itself." In the above we see *once and once*, a repetition which means once in each case. Thus the residuary rites are to be performed with every remnant of Havis. (See JAIMINI III. iv. 42-45).

The application of this to the present topic is this: 'Suvarṇa' has been defined to be a particular amount of gold, and whenever the term occurs that particular amount of it is to be taken unless there is anything repugnant to the sense. One cannot say that it is sufficient to take it in that sense in connection with the penal laws, for if it can be taken at all in that sense in any case, the same reason holds good that it must be taken so alone in other cases also.

as the tip of a (hair in a cow's) tail is stolen, (the offender) shall perform a Prâṇâyâma, and (when it is) as much as one Likṣâ ('an egg of a louse'), a wise man shall likewise perform three Prâṇâyâmas. But if it amounts to one Râjasarṣapa ('a black mustard') he shall perform four Prâṇâyâmas and meditatively repeat one thousand and eight Gâyatrîs for being expiated from sin. And if it amounts to one Gaurasarṣapa, ('white mustard') he shall indeed repeat Gâyatrî during (one whole) daytime, and if (the stolen) gold amounts to one Yava ('barley of medium size'), then (that) penance is during the day (time) (of) two (days). A Brâhmaṇa having stolen one Kriṣṇala of gold shall perform a Sântapana Krichchhra for being expiated from that sin. Having stolen gold amounting to one Mâṣa, a Brâhmaṇa, subsisting on cow's urine and barley gruel for three months, is purified (from that sin). If he steals a Suvarṇa (of gold) he shall subsist on barley gruel for one year. And for (stealing) more than that it should be known (that the penance is one) resulting in death, or else, (he might perform) the vow of (penance prescribed in the case of) Brâhmaṇa-slaughter."

Different penances for stealing different amounts of gold.

This subsisting on barley gruel for one year refers to a case of stealing gold (amounting to) slightly less than one Suvarṇa, for in (the case of) stealing one Suvarṇa (of gold), (a penance) lasting for twelve years is laid down in the mightier Smṛitis of MANU and others: "Whoever, impelled by desire, take by force the property (of others), it is here prescribed (that the penance in the case) of those who rob (others) by force is that resulting in death." (In this text) it is intended to express that it is so even in the case of stealing less gold than one Suvarṇa.

478. And this penance on account of stealing (gold) should be undertaken only after having delivered (it) to its owner. For says the (text of a) Smṛiti, "If stealing of gold etc. which forms the property of a Brâhmaṇa is committed, what was stolen shall be restored eleven times over to the owner by the thief." And also because, there is likewise (this) text of MANU: "After restoring (the stolen article), (he) shall perform a Sântapana Krichchhra for his purification" (XI. 164). It has also been said in the chapter on punishments: "In the other (cases) he shall be made to pay to that (owner) his property eleven times over."

The stolen property must be restored eleven times over to the owner before undertaking the penance.

479. But when on account of (any bodily) weakness the king is unable to inflict (the necessary) blow (on the culprit), then what is prescribed by VASIṢṬHA should be taken to hold good: "A thief with his flying hair shall beg of the king, and (then) the king shall give him a weapon of Udumbara; with that he shall kill himself, and it is declared that he becomes pure on death" (XX. 41) (*g*). (Weapon) of Udumbara (should be taken here to mean an implement) made of copper.

A king unable to strike shall lend a weapon to the thief to kill himself.

(*g*) There is some change of reading.

480. Also another penance which is prescribed by that (very authority as), "Or getting himself shaved (he) shall anoint his body with cow's ghee, and kill himself (by being burnt) from the feet upwards, in a fire of (dry) cowdung. It is declared that he becomes pure after death" (XX. 42), refers to a case of stealing the property of a Brâhmaṇa (who happens to be) a Guru, a Śrotriya, one engaged in a sacrifice, and so on, or (it may be taken) to refer to a case where the thief happens to be a Kṣatriya, and so on. Here "getting himself shaved" signifies one who has shaved off the hair on the head, the hair on the face, and the hair on the body. Likewise (he may be purified) even by performing a horse-sacrifice and so on. Similarly (a penance) involving death being mentioned, it has been stated by PRACHETAS (thus): "By offering a horse-sacrifice or a Gosava, he is purified." And this also refers to a case where a thief is a Kṣatriya and so on.

Other penances for special cases.

481. (The sage now) prescribes another penance:

CCLVIII. Without reporting to the king he might be purified by observing the vow of (penance prescribed for) one who drinks Surâ, or he might make a gift of his own weight of gold or what is gratifying to a Brâhmaṇa.

Without reporting his theft to the king, he might, by observing the vow of (penance prescribed for) one who drinks Surâ, (that is, the typical penance) lasting for twelve years, and be purified. It has been said (that he shall observe) the vow of (penance prescribed for) one who drinks Surâ in order to exclude the wearing, as his flag, of the skull bone of the corpse (of him he himself kills).

He who steals gold might perform a twelve years' penance.

And this refers to (an act) committed unintentionally. For it is the very (penance) (which) lasts for twelve years and is stated with reference to an unintentional (killing) prescribed as, "This expiation has been prescribed for unintentionally killing a Brâhmaṇa" (*h*), that has been extended (to this case).

482. (Objection). Well, (if it is done) unintentionally, it does not at all amount to stealing, and how then can this refer to that case (of unintentional taking)?

(Answer). It is (thus) said (in reply). When one unconsciously takes away gold or the like that has been tied into a knot in the skirts of a raiment, or takes it away mistaking it for some other material such as silver or the like, and immediately after it, it is given away to someone (else), or (even) lost, by him but not restored to the owner, then there certainly arises an unintentional stealing.

483. And when the stealing (is) of copper or the like to which the appearance of gold has been brought by the action of chemicals etc.,

(*h*) MANU XI. 89.

to such (a case) this penance does not (apply). For the species to which genuine (gold) belongs cannot be traced (into it). Nor can the qualities of a genuine object ever come to an imitation material merely because of its resemblance to the genuine object. Of course (a thief) mistakes such a substance which is not gold for gold and steals it, and, nevertheless, this penance does not (come in in his case), for still he (happens) to be one who has not stolen gold.

Gold must be genuine to amount to stealing gold.

And it should not be urged that as in (the case where it is said), "(The same penances must be performed) even if he has attempted the life of a Brâhmaṇa, but failed to kill him" (i), there is (the occurrence of) sin even here. (The reason is) the very one that he attempts (to steal) what is not gold, and indeed "If (the life of) a Brâhmaṇa is attempted *etc.*" is not the theme of that (topic).

Intention does not prevail over mistake.

(There is) even this (penance thus prescribed), "Having contemplated the sin in mind one shall meditatively repeat mentally the Vyâhṛitis preceded by (the syllable) "Om"; to the (repetition of the) Vyâhṛitis, he shall perform Prâṇâyâma thrice; and in case of (an actual) attempt, he shall perform Kṛichchhra for twelve days"; and it refers to the case of an attempt towards the right material. Thus this (sort of) unconscious stealing of gold does not become the cause of (the present) penance, but only the stealing of gold mistaking it for silver etc. as has been already described.

484. In this very case if the thief happens to be one who is extremely wealthy, then he shall make over in gift his own weight of gold. But if he has not got so much wealth and is at the same time unable to perform austerities, then he shall make a gift of what is gratifying to a Brâhmaṇa, (that is,) what is gratifying to a Brâhmaṇa in its being sufficient to maintain his family as long as he lives.

His own weight of gold if sufficiently wealthy, or what is gratifying to a Brâhmaṇa.

485. When he steals the property owned by one who does not abound in (good) qualities, then it should be understood (that he has to perform a penance) which lasts for nine years and it is (thus) laid down by VYÂSA: "This very vow (of penance) a thief shall observe a quarter less." When, again, this very sort (of Suvarṇa owned by one who lacks in good qualities) he steals for the purpose of maintaining (his) family depressed by hunger, then he should, as laid down by ATRI, observe a vow (of penance) lasting for six years, (perform) a Svarjit or the like sacrifice, or (even) undertake a pilgrimage to holy places: "A

Three-fourths of the penance if the owner was devoid of qualities.

Half of the penance if stolen to maintain his starving family.

(i) GAUTAMA III. iv. 11.

twice-born man shall either perform a Krichchhra lasting for six years or even propitiate the gods with a sacrifice, or (even) that wise man might wander a pilgrim in holy places. Thereby he is freed from the (sin of) theft."

Lighter penance if there is repentance immediately after the act.

But when, immediately after stealing it, (the thief is) overtaken by repentance (as), 'Alas! I have committed a sin,' and restores it (to the owner) or leaves it (on the road etc.), then (the penance is), it should be noticed, to spend three years eating sparingly at (every) fourth meal time as prescribed by ÂPASTAMBA, or, as prescribed by AṄGIRAS, to undertake the (penance) called Vajra which lasts for three years.

486. (Objection 1). Well, whether he returns it (to the owner) or abandons it, as the meaning of the root in *apahâra*, stealing, does arise, how can it be that the penance (is of a) light nature? If (that meaning) does not arise, let there be no penance then whatever, and in any case, not a light form of penance.

(Answer). It is not so. As theft is complete with the result of enjoying etc. (of the stolen article), and as, even in the case of getting rid of it prior to any enjoyment (thereof), there is an absence of the idea of a complete theft, it is but justified that the penance should be light as (in the case) where a forbidden drink is swallowed and vomitted (immediately afterwards).

(Objection 2). Well, if this were so, even in the case where (a stolen article) is snatched by force and taken from the hands of a thief, as there is no result of the nature of enjoying it, there comes the question that the penance should be light in that case.

(Answer). It is not so. For, in abandoning it, there is no self attempt on his part, and he attempts that way to steal it to secure the result (of enjoyment).

Gold in any mixture stolen is regarded as gold itself.

487. But (in the case) of him who steals gold that is mixed with silver, copper, and the like materials, this light penance does not hold good. For although present in the mixture, the nature of gold cannot disappear (from it), even as the nature of ghee from a mixture of curds and ghee (*j*). Hence in this (case) it is natural (to hold that the penance is) only that lasting for twelve years. Next if it is alleged that what (only) resembles gold is certainly any material other (than gold) and, therefore, it is declared (that there should be) a light penance, then much less can there be scope for any such light penance as the one lasting for three years etc. It is so for (the material stolen) is not (at all) gold, and on the other hand there is only a penance for committing a minor sin.

488. (There is) also another (penance) which has been laid down by ÂPASTAMBA thus, "Having committed theft or drunk Surâ, one shall

(*j*) See note (*i*) para 456 above.

perform a Sântapana Kṛichchhra," and that refers to the case where the substance is less in quantity than one Suvarṇa and more than one Mâṣa-measure. (There is) also (the penance) which has been stated by SUMANTU as, "He who steals gold shall offer every day for one month one-thousand and eight burnt offerings to the repetition of Gâyatrî, shall observe fasting for three (days and) nights, and is (then) purified by Tapta Kṛichchhra," and that forms an alternative with the penance prescribed above for stealing gold which amounts to one Mâṣa. Also (there is) the other (penance) which he himself lays down (thus), "He who steals gold becomes pure by subsisting on air for twelve (days and) nights," and that should be understood (to hold good in the case) of him who resolves mentally upon stealing, but in whom the desire of stealing has died out of its own accord.

Other texts and the cases to which they refer.

489. It should be understood that even here the penance is only half in the case of women, boys, and old men. Even (in the case of) those (offences) which, from this (text), "The stealing likewise of a horse, a gem, man, woman, land, and milch cow *etc.*," and the like ones, are established as being equal to the stealing of gold, only half (of the penance) should be observed (by women, boys, and old men).

Half the penance even here in the case of old men, women, and boys.

490. Next there is a passage found in the Chaturviṃśatimata (and it runs) as, "Having stolen silver out of avarice a twice-born man shall observe a vow of Chândrâyaṇa. (If it) exceeds ten Gadyâṇas (*k*) and is within one hundred, he shall perform twice (the penance). (When the quantity exceeds that and is) within one thousand (he shall perform) thrice (that penance), and thereafter it is declared (that) the rule for (stealing) gold (shall be followed). And (in the case) of all minerals and metals a Parâka shall be performed. If grains are stolen a Kṛichchhra shall be performed, and it is declared (that in the case) of sesamum, an Aindava. For stealing gems a Brâhmaṇa shall observe the vow of Chândrâyaṇa." And even that is for the purpose of laying down a penance equal to that of stealing (one) Suvarṇa (of gold) for stealing more than one thousand Gadyâṇas of silver, and not for the purpose of denying that. Even the Chândrâyaṇa that has been prescribed in connection with stealing a gem, it should be understood, refers to the stealing of a gem the value of which is less than one thousand Gadyâṇas. But if it exceeds that, (the penance) is equal to that of stealing gold.

Penance for stealing different quantities of silver.

Penances for stealing minerals, gems, etc.

Thus ends the topic of penance for stealing gold.

(*k*) A weight of 48 Guñjas.

SECTION VIII.—PENANCES FOR VIOLATING ONE'S OWN GURU'S BED.

491. The penance (referring) to one who has violated his Guru's bed (the sage now) lays down as it (next) comes in the order of enumeration (of the sins): 5

CCLIX. On a heated iron bed he shall lie down with a (heated) iron (image of) woman and throw off his body, (or) having cut off his testicles and taking them (in the hand he shall march) in the (direction) of south-west (till he drops down dead). 10

Of the expression, (namely,) "Or for (three) years a violator of his Guru's bed [shall perform the Prâjâpatya penance *etc.*]," that appears in the verse which will next be given, the term "a violator of his Guru's bed" is (taken) in this connection.

He shall embrace a red-hot iron image of woman lying on a red-hot iron cot.

On a heated iron bed, (that is,) on a bed of black iron which has been 15 made red-hot by heating it so that it becomes capable of producing death, a violator of his Guru's bed shall lie down along with an image of woman made of iron and heated red-hot. Thus lying down he shall throw off his body, that is to say, shall die. 20

He shall first proclaim his offence, shave off all his hair, and anoint his person with ghee.

And the lying down should be proceeded with after proclaiming (aloud) the deed he has committed (as), 'I have approached my Guru's wife.' For says the text of MANU, "He who has violated his Guru's bed (shall) after confessing his crime *etc.*" (XI. 103). Similarly he shall do so embracing (an iron image 25 of) woman. For says the text of VṚIDDHA-HÂRÎTA: "He who has violated his Guru's bed shall (make) an image of woman made of clay or iron red-hot, and having embraced that on a (heated) bed of black iron, is rendered pure" (*l*). Likewise (that) should be done by one after he has shaved off the hair on his head and 30 on the body, and has anointed his body with ghee. For says the text of VASIṢṬHA, "Or having shaved off all his hair and besmeared his body with ghee, he shall embrace that image of woman made of iron or of clay. It is declared that he becomes pure after death" (*m*) (XX. 14).

Lying down on a heated iron cot and embracing a red-hot iron image of woman form together the same penance.

492. And it should not be suspected that in conformity with the text 35 of MANU (which says), "He who has violated his Guru's bed shall, after declaring his crime, extend himself on a heated iron bed and embrace the red-hot iron image (of woman); by dying he becomes

(*l*) S. omits the part corresponding to 'on a (heated) bed of black iron.'

(*m*) The words *tâṃ* and *mṛinmayîm* are not found in the Bombay edition of VASIṢṬHA.

pure" (*n*) (XI. 103), that sleeping on red-hot iron and embracing a red-hot iron (image of) woman are two different penances independent of each other. (It is said), "He shall lie down with an iron (image of) woman," and if it is asked 'where (shall he lie down)?' (the answer is), 'on a red-hot iron bed,' and hence as they are understood to form a single (penance), each being dependent on the other, it is but natural that they form a single course (of penance). 5

493. Or else, having himself cut off, (that is,) torn out, his testicles along with the genital organ, he shall take them in his palms shaped into a bowl, walk with a straight gait in the direction of the south-west, (that is, in the direction) between the south and the west, till (his) body falls down (dead), and thus throw off the body. 10

Marching south-west with his torn testicles etc. till he dies is another penance.

Thus says MANU: "Or having himself cut off his genital organ and his testicles and having taken them in his palms joined (so as to form a bowl), he may walk straight in the direction of south-west until he falls down dead" (*o*) (XI. 104). And marching should be done without his turning back to look behind. For says the text of ŚAṄKHA and LIKHITA, "Having cut off his genital organ and testicles with a razor, he shall march on without turning behind." 15 20

Marching thus, wherever he is obstructed by a wall or the like, there alone he shall stop till death (meets him), for says the text of VASIṢṬHA, "Having cut off his genital organ together with testicles he shall take them in his palms joined (so as to form a bowl) and walk towards the south. Wherever he meets with an obstacle (to further progress), there alone he shall stand until he dies" (XX. 13). 25

494. This itself is the (legal) punishment in this (case). Thus says NÂRADA: "When one has approached any one of these, he is said to have violated his Guru's bed. For that crime, no other punishment than excision of the (genital) organ is enjoined" (XII. 75). And this cutting off of the genital organ though (inflicted) for the purpose of (legal) punishment is also for the purpose of destroying the sin. With reference to this very punishment ending in death it has been stated by MANU (thus): "But men who have committed crimes and have been punished by the king, go to heaven, being pure like those who have performed meritorious deeds" (VII. 318). But (where the punishment consists) in a money fine, there is certainly the penance. For he himself says, "But (men of) all castes who perform the prescribed penances, must not be branded on the forehead by the king, but shall be made to pay the highest amercement" (*p*). 30 35 40

A legal punishment ending in death does destroy the sin also.

(*n*) By separating the two by 'or,' it seems to hold that there are two different penances.

(*o*) Slight changes have been introduced into Bühler's translation.

(*p*) MANU XI. 240.

A violator of his Guru's bed can be purified by following either of these (courses of penances) resulting in death.

495. The word 'Guru' in these (cases) refers to in its primary significance to (one's own) father. For in the (following) text establishing the Guruship, it has been described by MANU that the father alone who performs the Niṣeka etc. ceremonies is the Guru: "That Brâhmaṇa, who performs in accordance with the rules (of the Veda) the ceremonies, the Garbhâdhâna ('impregnation ceremony') and so forth, and brings up by giving food (to the child) is called the Guru" (II. 142) (*q*). And also it has been stated (thus) by (YÂJÑAVALKYA) the lord of Yogins, with a view (to lay stress on) the Niṣeka and the like ceremonies: "He is the Guru who having performed the ceremonies imparts him the Veda" (I. 34).

'Guru' has the primary significance of father here.

496. (Objection). (1) Well, the use of the word 'Guru' is observed in other cases also; (It is used) (i) with reference to an Âchârya in the text, "Having performed the (ceremony of) initiation, a *Guru etc.*" (*qq*); and

(ii) With reference to an Upâdhyâya in the text, "(The pupil) must know that that man also who benefits him by (instruction in) the Veda, be it little or much, is called in these (Institutes) his *Guru*" (*r*).

(iii) The use of the word ('Guru') in these (senses) is shown by VYÂSA also: "The *Gurus* are the mother, the father, the husband, the Âchârya, he who imparts knowledge, and the elder brother, and also Ṛitviks, he who protects from fear, and the giver of food."

(2) Nor is there the fallacy of assigning diverse meanings (to a single term in one and the same place), for, in all cases, the idea of their being fit to be worshipped,—(an idea) which becomes the reason of application (of the word 'Guru')—becomes uppermost in connection with the word 'Guru.' And that (fitness to be worshipped) becomes the reason of application (of the word 'Guru') is shown by (YÂJÑAVALKYA) the lord of Yogins, (thus): "These are to be worshipped in the order of precedence, and mother is superior to all these" (I. 35), and he begins by saying *mânyâḥ*, (these are) to be worshipped, and ends by saying *garîyasî* ('a greater Guru'), superior.

(3) (i) Nor should it be said that, because (there is a text as follows), "An Âchârya is ten (times as venerable as an) Upâdhyâya, and the father a hundred (times as venerable as an) Âchârya" (*s*), and it lays down that a father excels an Âchârya, who is superior to an Upâdhyâya, the (father) alone is (to be held to be) the chief (Guru), for even in (the case of) an Âchârya, the quality of excelling (all) is not absent. (For it is) thus said: "Of him who causes natural birth and him who gives (the knowledge of)

(*q*) Buhler's translation is slightly altered.

(*qq*) MANU II. 69.

(*r*) MANU II. 149.

(*s*) MANU II. 145.

the Veda, the giver of the Veda is the more venerable father" (*t*). It has been said even by GAUTAMA: "An Âchârya is the most superior of all the *Gurus*" (II. 56).

(ii) Moreover, if, merely because he excels others (in the point of veneration), it is urged that he is the chief one, then because of the statement 5 "(that the mother is a) thousand (times more venerable than the father)" (*u*), the quality of being the chief (Guru) belongs to the mother herself.

Therefore all (these are one's own) Gurus and it is natural to hold that approaching their wives constitutes a violation of the Guru's bed.

(Answer). (i) It is (thus) said (in reply). The text of MANU which 10 says, "[That Brâhmaṇa, who performs in accordance with the rules (of the Veda) the ceremonies] the Garbhâdhâna ('impregnation ceremony') and so forth *etc.*" (II. 142), tends to establish the Guruship of the father who performs the Garbhâdhâna ceremony and so on, for it cannot tend to (establish) anything else. 15

(ii) Next those statements of VYÂSA and GAUTAMA are, as it were, supplements to the rule that those (persons) should be served and worshipped, and (hence) refer to other persons in the sense (that they should be held in) commendation. Hence on account of the text of MANU, "[He who performs] Garbhâdhâna ceremony and so forth *etc.*," which does tend to 20 establish the Guruship, it is settled that Guruship in chief rests with the father alone. It is, therefore, by (means of the following text), "The same (expiation is prescribed if the offence is committed) with the wife of an Âchârya, of a son, and of a pupil" (XX. 15), it is prescribed by VASIṢṬHA that the penance for the violation of the Guru's bed extended (is to apply 25 to that case where the offence is committed) with the wife of an Âchârya. Similarly it has been said even by JÂTÛKARṆYA and others (thus): "(If the offence is committed) with the wives of an Âchârya and others, one shall observe the vow of (penance prescribed) for violating the Guru's bed," and so on. And if an Âchârya and the rest were the chief Gurus, 30 then, as the vow (of penance) would come in from the direct rule itself, this extension (of the penance) should certainly have no purpose (to fulfil).

(iii) Moreover, the use of the term "father's wife" is made (in) an actually pointed (manner) by SAṂVARTA (in the following statement): "Having approached his father's wife other than his mother, that worst 35 of mankind *etc.*" (There is the following) even in the Ṣaṭtriṃśanmata: "Having known that she is his father's wife, he who approaches a woman of his own Varṇa *etc.*" And even from this (it is settled that) the father alone who performs the Garbhâdhâna etc. ceremonies is the principal Guru. 40

And that Guruship (exists) in general among all the four Varṇas, for

(*t*) MANU II. 146. The point is both of them, go by the appelation of *pitṛi* father (literally.)

the act of performing the Garbhâdhâna and the like ceremonies is common (to all). Hence in (the text), "That Brâhmaṇa...is called the Guru" (*v*), the use of the term 'Brâhmaṇa' is a synecdochical usage. Hence it is a mortal sin when the wife of one's own father alone is approached.

It is a mortal sin only when there is effusion of semen.

497. Again, "approaching" denotes the action covering as far as 5 the effusion of the semen. Thus if the action is stopped before that (stage), the offender has not committed a mortal sin (notwithstanding). And in (the case) of (one who has committed) that (mortal sin), there are the two penances ending in death and prescribed by (the text), "On a 10 heated bed [he shall lie down] with a (heated) iron [(image of) woman] *etc.*" Also it should be noted that that (refers to the case) where (the offence is) unintentionally committed with one's own mother, and also intentionally with her co-wife who is of the same Varṇa (as the offender) or of a superior Varṇa. For 15 it has (thus) been said in the Ṣaṭtrimśanmata: "He who consciously approaches the wife of his (own) father who is of the same Varṇa as himself, or (his own) mother unconsciously, cannot attain purification unless he dies (by performing a penance involving death)." If the act is intentionally 20 done with one's own mother, that (which is laid down) by VASIṢṬHA should be observed: "Having completely shaved himself, he shall anoint his body with ghee and have himself burnt from the feet upwards in a fire of (dry) cowdung" (XX. 42) (*w*). Even if (the incest with one's own 25 mother is) repeated unintentionally (the penance is) this itself.

Unintentional incest with one's own mother, or intentional incest with her co-wife, necessitates a penance ending in death.

A harsher death for intentional or repeated incest with one's own mother.

498. (Objection). And well, in the text, "A mother's co-wife, a sister, an Âchârya's daughter likewise, an Âchârya's wife, and one's own daughter,—one who associates with (these) (becomes) a violator of his 30 Guru's bed" (III. 232-3), it is expressed that there is an extension of the rule (*x*) of penance, and, therefore, it is improper (to hold) that the penance laid down in this rule can (apply) direct to a case where one has approached his mother's co-wife.

(Answer). It is said (thus in reply). From the very text, "[When one 35 has approached] his father's wife (who is) of the same Varṇa (as himself) *etc*," it results that, on account of the use of the term 'Savarṇa' ('of the same Varṇa'), this (rule of) extension (of the penance) refers to the (case of

(*v*) MANU II. 142.

(*w*) This appears as a penance for stealing gold as it can be seen from the Bombay edition of VASIṢṬHA. Why should VIJÑÂNEŚVARA have cited it here?

(*x*) Atideśa.

approaching a mother's) co-wife of an inferior Varṇa and thus there is no contradiction.

499. Also this (penance involving death) refers to the chief son alone (who is an Aurasa), and with regard to the other (sorts of) sons, they only serve the purpose of sons and there is no actual sonship. Thus says MANU: "These eleven, the son begotten on the wife of one by another and the rest as enumerated (above), the wise call substitutes for a son for want of the religious duty (IX. 180) (y).

The son here is an Aurasa.

500. (Of these two courses) if the act is entered into by a desire on both sides, then there is the penance (described) first as, "On a heated iron bed [he shall lie down] *etc.*," and if there is tempting by one's own self then (the penance is) the second (one) described as, "Having cut off his testicles and taking them (in the hand), *etc.*," for it is declared that a penance (should) be heavy in proportion to the excessiveness of (guilt which forms) the necessary element (to occasion penance). But if he is allured by her, it should be noticed (that the penance is) either (of the two laid down) by MANU, either extending on the red-hot bed or embracing a red-hot iron image.

Penance as determined by mutual consent, tempting, or alluring.

501. (There is that penance) which, (as) lasting for twelve years, is laid down by ŚAṄKHA thus: "(The expiator) shall lie down on the (uncovered) ground, wear the hair in braids, subsist on leaves, root, and fruits, and eat only once (a day). And when the twelfth year has passed those who have committed mortal sins,—he who has stolen (a Brâhmaṇa's) Suvarṇa, he who has drunk Surâ, he who has slain a Brâhmaṇa, and he who has violated his Guru's bed—are purified by this very vow (of penance)." And it should be noticed (that this) holds good in the (case of) approaching unintentionally a wife of the father who is (a woman) of the same Varṇa or of a superior Varṇa. With regard to that very (offence) which is started intentionally but stopped before the seminal effusion, (the penance is that) lasting for six years. But (if the above is done) unintentionally, (then the penance is that) lasting for three years.

But (if the incest is) with one's own mother and if he enters upon the act intentionally, but stops it before (there is) seminal effusion, (the penance is the one) lasting for twelve years. And (if the above is done) unintentionally, it should be devised that (the penance is still the same in form but) lasting for six years.

Twelve years' penance for intentional and incomplete incest with one's own mother.

And six years' penance if unintentional.

With reference to mere penetration, (it has), however, been laid down by SAṂVARTA in (the following), "Having had sexual penetration into his

(y) This translation is given after the exposition of the verse by MEDHÂTITHI. Bühler following KULLÛKA has, "substitutes for a son, (taken) in order to prevent a failure of the funeral ceremonies."

father's wife who is not his mother, that worst of mankind *etc.*," and the like (texts) that the penance is a Tapta Krichchhra, and it should be understood (that this holds good) when (the offence is) with a Guru's wife of an inferior Varṇa, (and there is a stoppage) prior to 5 the seminal effusion.

Three years' penance if with a mother's co-wife of an inferior Varṇa.

502. (The sage now) describes another (course of) penance:

CCLX. Or he who has violated his Guru's bed shall perform the Prâjâpatya Krichchhra for years, or the Chândrâyaṇa for three months and study the Saṃhitâ of 10 the Vedas.

Or else, (he) shall perform for years, (that is,) for three years (z), the Prâjâpatya Krichchhra, the nature of which will be described. And it should be understood that this (penance holds good) when the son of a woman 15 of Brâhmaṇa caste approaches intentionally the wife of his Guru who is (a woman) of Śûdra caste.

Prâjâpatya Krichchhra for three years where a Brâhmaṇa approaches a Śûdra co-wife of his mother.

But when he approaches unintentionally the wife of his Guru who is (a woman) of the same Varṇa (as himself) and is an adulteress, then he should perform a treble Chândrâyaṇa along with the meditative repetition 20 of the Veda.

503. With regard to that very (offence), if the entering upon the act is intentional, then (the penance is) that laid down by UŚANAS (thus): "He who has violated his Guru's bed shall observe for one 25 year the (form of the typical) vow of (penance prescribed for) Brâhmaṇa-slaughter or the Tapta Krichchhra for six months." But where he had approached a Kṣatriya woman (who is his father's wife) intentionally, (the penance is that) prescribed by YÂJÑAVALKYA, (thus): "A 30 mother's co-wife, a sister, an Âchârya's daughter likewise, *etc.*" (III. 232). And as here the (form of the) vow (of penance intended) for violating one's own Guru's bed is extended (to this case also, the extent of penance in this case is) one of nine years' (duration). And this extended vow (of 35 penance) cannot refer to the case of approaching his Guru's wife, who is of the same caste (as himself), for in that case (a penance) involving death is prescribed (for committing the act) intentionally or repeatedly, and (for committing it) unintentionally, (a penance) lasting for twelve years. Hence it is proper to hold that it refers to the (case where the 40 act is committed with a) Kṣatriya woman and the rest.

Intentional incest.

Penance ending in death where the Guru's wife is of one's own Varṇa, and a twelve years' penance etc. if of inferior Varṇa.

(z) The original has *samâḥ*, years, and it is taken to mean three years after the maxim of Kapiñjala ('partridge'). See note (*m*) under paragraph 143, *ante.*

With regard to that very (offence) if there is an intentional repetition, (the penance is) one ending in death. For says the text of KANVA: "Having approached, intentionally and repeatedly, the wife of his own Guru who is the daughter of a Kṣatriya, a Brâhmaṇa shall tear out 5 his genital organ along with the testicles and (he) becomes pure (by the) dying (penance)." With regard to this very offence when the offender does not intend to perform the penance, then the capital punishment prescribed by YÂJÑAVALKYA as, "Having cut off his (genital) organ, he shall be put to death, 10 and likewise, even in the case, of the woman who bears love to him," should be taken to stand for the penance

Penance ending in death when a Brâhmaṇa intentionally and repeatedly approaches his Kṣatriya "mother."

Capital punishment if he does not intend to perform the penance.

But when the wife of his Guru is a Vaiśya woman and his approaching (her) is intentional, (the penance is) 15 that lasting for six years. It is with this very view that another Smṛiti (says) thus: "When the son of a Brâhmaṇa woman approaches his father's wife who is a Kṣatriya woman, the penance is that lasting for twelve years (observed) a quarter less, and 20 similarly with regard to the women of other Varṇas." What it means is this: When the son of a Brâhmaṇa woman approaches a Kṣatriya woman who is his mother's co-wife, then the penance is that (which in full) lasts for twelve years (but observed) a quarter less; if he alone (approaches) a Vaiśya woman standing in the same (relation to him), then (the penance 25 is the same but) to last for six years; and when she is a Śûdra, it is to last for three years.

Nine years' penance for a Brâhmaṇa's incest with a Kṣatriya "mother," six with a Vaiśya "mother," and three with a Śûdra "mother."

Similarly when the son of Kṣatriya woman approaches a Vaiśya woman (who is a) "mother" (to him), (the penance is) to last for nine years, and when she is a Śûdra 30 woman (it is) to last for six years. It is exactly thus even when the son of a Vaiśya woman (approaches a Śûdra woman who is a "mother" to him).

Nine and six years for a Kṣatriya's incest with a Vaiśya and Śûdra "mother"; nine years when a Vaiśya approaches a Śûdra "mother."

504. But when one intentionally and repeatedly approaches a Vaiśya woman (who is a "mother" to him), then 35 (the penance is) that involving death itself. For says the text of LAUGAKṢI, "He who intentionally, and over and over again, approaches a Vaiśya woman, who is the wife of his Guru, he shall cut off the tip of the (genital) organ and is then purified from 40 that sin." And when one approaches a Śûdra woman (who stands in the same relation to him), intentionally and repeatedly, then (the penance is) that lasting for twelve years. For says the text of UPAMANYU, "If a Brâhmaṇa approaches a woman of Śûdra caste (who is the wife) of his Guru, 45

Incest intentional and repeated.

Penance involving death for a Brâhmaṇa's intentional and repeated incest with his Vaiśya "mother"; twelve years' penance if with his Śûdra "mother."

repeatedly and intentionally, he shall then with self-restraint and with an unpolluted mind, observe a vow of Brahmacharya for twelve years."

Unintentional incest.

Three years' penance etc. for a Brâhmaṇa's incest with his Kṣatriya "mother."

505. But if one has unintentionally approached a Kṣatriya woman who is the wife of his Guru, (then) it should be noticed (that the penance is) that prescribed by YAMA (as) lasting for three years and (consisting in) partaking of the food at the eighth meal time: "Or eating at the eighth (meal) time he shall always remain a Brahmachârin and an observer of his vow. He shall spend the time in standing (during the day) and sitting (at night), and bathe (*a*) three times in a day. He shall lie down on the uncovered ground, and (thus) in three years he can get rid of that sin." With regard to this very (offence) if there is repetition, the penance has been prescribed by JÂTÛKARṆYA: "But having unintentionally approached a daughter of a Kṣatriya (who has become) his Guru's wife he shall tear his testicles only out, and is purified whether he lives or dies."

Cutting the testicles off if the above offence is repeated.

And in approaching a Vaiśya woman (who is his Guru's wife), unintentionally, the (penance is) this very one (laid down) by YÂJÑAVALKYA: "He shall perform a Prâjâpatya Kṛichchhra *etc.*" Just so (has) VṚIDDHA-MANU, "Having approached the wife of a preceptor and likewise approached the wife of one's own father, he shall continuously perform the Kṛichchhra for three years (if the act is) unintentionally (committed)." With regard to that very offence if (there is) a repetition, (then the penance is) life-long Brahmacharya (as is) prescribed by HÂRÎTA: "A Brâhmaṇa erring under the influence of ignorance repeats (the act of incest) with a Vaiśya woman (who is his) Guru's (wife), he shall as long as his life lasts observe Brahmacharya with regard to his six organs" (*b*).

Prâjâpatya Kṛichchhra for a Brâhmaṇa's unintentional incest with a Vaiśya "mother."

Life-long Brahmacharya for unintentional repetition of the same offence.

And if (the incest) is with a Śûdra woman who is his Guru's wife, unintentionally (committed), then (the penance is) that (laid down) by MANU (thus): "Or carrying the foot of a bedstead (*bb*), dressed in (garments of) bark and allowing his beard to grow, he may, with a concentrated mind, perform during the whole year the Prâjâpatya Kṛichchhra in a lonely forest" (XI. 105). Or he may perform what is prescribed by

Penance for intentional and unintentionally repeated incests with a Śûdra "mother."

(*a*) S. is decidedly wrong when it reads *nṛipaḥ* for *apaḥ*. There is another mistake when it reads *pâvakam* which ought to be *pâtakam*.

(*b*) The six organs referred to are, speech, hand, the genital organ, the eye, the ear, and the mind.

(*bb*) There is another suggestion that Khatvâṅga is a club shaped like the foot of a bedstead. But 'the foot of a bedstead' seems better as it is suggestive of bed where the offence is committed,

SUMANTU (thus): "He who has sexual connection with his Guru's wife shall for one year embrace a branch of a thorny tree, lie down on the uncovered ground, bathe three times a day, and eat (what is collected by) alms, and is thus purified." If with regard to that very offence there is repetition, then (the penance is that laid down) by MANU: "Or controlling his organs, he may during three months continuously perform the Chândrâyaṇa (penance)" (XI. 106).

506. (In the case) of him who intentionally enters upon (incest) with a Kṣatriya woman (who is his Guru's wife) (the penance is), if (the action) stops prior (c) to the seminal effusion, that described by VYÂGHRA: "The Kṛichchhra, or the Atikrichchhra even, and likewise the Kṛichchhra-Atikṛichchhra a Brâhmaṇa shall perform for three months if he approaches a Kṣatriya woman (who is his Guru's wife)." Here the settlement is this: (1) (In the case) of him who is allured by her (the penance is) performing the Prâjâpatya for (a period of) three months; (2) (in the case) of him who enters upon (the incest) by mutual desire, (the penance is) performing the Atikṛichchhra for the same period; but (3) when she is tempted by him (his penance is) the Kṛichchhra-Atikṛichchhra (and that to be observed) for the same time. With regard to that very (offence), (in the case) of him who enters upon (it) intentionally, (if the act ends) before seminal effusion, (the penance) prescribed by KAṆVA should be taken (to hold good): "A Chândrâyaṇa, a Tapta Kṛichchhra, and even an Atikṛichchhra likewise a Brâhmaṇa (shall perform) for having approached unconsciously a Kṣatriya woman (who is his) Guru's wife." (1) (In the case) of him (who is) allured by her (the penance is) the Atikṛichchhra; (2) (in the case) of him who enters upon (the act) by mutual desire (it is) the Tapta Kṛichchhra; and (3) if she is tempted by him (then) the Chândrâyaṇa.

Tapta Kṛichchhra etc. for a Brâhmaṇa's intentional incest with a Vaiśya wife of his father.

(In the case) of him who enters intentionally upon (incest) with a Vaiśya woman (who is his Guru's wife), (the penance is), (if the act ends) before seminal effusion, that laid down by KAṆVA: "The Tapta Kṛichchhra, the Parâka, and likewise the Sântapana (penance) a Brâhmaṇa who, intentionally and once, approaches a Vaiśya woman, who is

(c) The original word here *arvák*, prior. The text reads *kâmataḥ pravṛittasya retas-sekád-arvak*, (in the case) of him who intentionally enters upon (incest) with a Kṣatriya woman (who is his Guru's wife),......if (the action stops) prior to the seminal effusion. Next there is this *Tatra eva kâmataḥ pravṛittasya retaṣ-sekád pûrvam*, with regard to that very (offence), (in the case) of him who enters upon (it) intentionally, (if the act stops) before the seminal effusion. Certainly the two passages are introducing of different penances, and hence one must be the opposite of the other. There is reason to believe that the second passage ought to read *akámataḥ* for *kámataḥ*, for throughout we see *kâmataḥ*, intentionally, first and *akâmataḥ* unintentionally, next, and the word *ajñánát*, unconsciously, occurring in the passage that is cited in support of it, strongly points to this. All the editions in our possession read *kâmataḥ* alone in that place, and the Ms. of Bâlambhaṭṭî in our possession dces not throw any light either on

his Guru's wife shall perform for one month." Here (1) if (the act is) entered upon by mutual desire (the penance) is Tapta Kṛichchhra; (2) if she is tempted by him himself (it is) Parâka; and (3) if she allures him it is Sântapana. With regard to this very (offence), (in the case) of him who enters upon (the act) unintentionally, PRAJÂPATI describes (the following penance): "For five (days and) nights, or seven or eight likewise, a Brâhmaṇa who has approached a Vaiśya woman, (who is) his Guru's wife, unconsciously, shall not partake of (any) food." (1) If he is allured by her (the penance is that for) five days; (2) if (the act is) entered upon by mutual desire (it is for) seven nights; and (3) if she is tempted by him (it is for) eight days.

Fasting for five days etc. for the same act unintentionally committed.

Next (in the case) of him who enters upon (the act) intentionally with a Śûdra woman (who is his Guru's wife), JÂBALI describes (the following penance) (in a case) when the act ends before (there is) seminal effusion: "An Atikṛichchhra, a Tapta Kṛichchhra, or even a Parâka likewise, a Brâhmaṇa who once approaches intentionally a Śûdra (woman) (who is his Guru's wife) shall perform." (1) (In the case) of him who is allured by her (the penance is) an Atikṛichchhra; (2) if (the act is) entered upon by mutual desire, (it is) a Tapta Kṛichchhra; and (3) if she is tempted by him (it is) a Parâka. With regard to that very (offence), (in the case) of him who enters upon (the act) unintentionally, (the penance is) that laid down by DÌRGHATAMAS: "A Prâjâpatya (Kṛichchhra), a Sântapana (Kṛichchhra), (or) (a penance of) fasting for seven days, a Brâhmaṇa who approaches once a Śûdra (woman) who is his Guru's wife, shall with self-restraint perform." (1) (In the case) of him who is allured by her (the penance) is a Prâjâpatya; (2) if (the act is) entered upon by mutual desire, (it is) a Sântapana; and (3) if she is tempted by one's own self, (it is) fasting for seven days.

Atikṛichchhra etc. for a Brâhmaṇa's intentional incest with a Śûdra wife of his father.

A Prâjâpatya penance etc. for the same act unintentionally committed.

With this very hint the settlement of the cases to which they refer should be inferred even with regard to (the texts) of other Smṛitis.

507. The act of having committed a mortal sin is equally true (in the case) of women also as (it is) of man in this connection. For (says) KÂTYÂYANA thus: "This sin as well as purification is described (to hold good in the case) of those who have suffered degradation (from caste). And also for women who are concerned (in the matter) this very rule is declared (to hold good)." Hence even (in) her (case), if (the act is) entered upon intentionally, (the penance) involving death (applies) equally (well). It is verily,

the point. This difficulty can be removed in a way if we can translate *arvâk* as subsequent to, but such a usage is seldom found. Anyhow to reconcile in a way the conflict between *kâmataḥ*, intentionally, and *ajñânât* which means the same thing, we have translated *ajñânât* as unconsciously, and not as unintentionally.

therefore, (a punishment) resulting in death being prescribed (in the case) of man, (a punishment) resulting in death is also shown (thus) by (YÂJÑAVALKYA) the lord of Yogins: "Having cut off his (genital) organ he shall be put to death, and likewise, (even in the case) of the woman who bears love to him." (And if she does so) unintentionally then (the penance is) that laid down by MANU: "This very vow (of penance) shall be observed even in (a case) when women suffer degradation (from caste)" (d) (XI. 188). The very (vow of penance) lasting for twelve years should be performed by taking half of it. 5

Nine and six years' penance in case of certain forms of incest unintentionally repeated.

508. But (there are) the (offences) which are thus pointed out as being equal to violation of one's own Guru's bed. "(Associating) with friends' wives and (high class) damsels, (those born) of the same (mother as himself), women born of outcastes, those women of the same Gotra, and the wives of sons is declared to be equal to the violating of Guru's bed" (III. 231), and (there are also) those (offences) which form the theme of extension (of the penance) and are thus described: "A father's sister, a mother's sister, and so on, a maternal uncle's wife, even a daughter-in-law, a mother's co-wife, a sister, an Âchârya's daughter likewise, an Âchârya's wife and one's own daughter, one who associates with (these) becomes a violator of his Guru's bed" (III. 232-3),—if these (offences) are repeated unintentionally for more than one night, then it should be understood that (a course of) penance lasting for six years and one lasting for nine years (should) respectively (be observed). With regard to this very case, if there is an excessive repetition (committed) intentionally, (the penance is) that ending in death. Just so has BRIHAD-YAMA: "Having discharged semen into (the wombs of high class) damsels, uterine sisters, women born of outcastes, and wives of the Sapiṇḍas and (one's own) children, death is prescribed (as the penance). Those born of outcastes (referred to) here are to be known as those pointed out by MADHYAMA-AṄGIRAS, "A Chaṇḍâla, a Śvapacha ('one who boils dog's flesh'), a Kṣattṛi ('the son of a Kṣatriya woman by a Śûdra'), a Sûta ('the son born of a Brâhmaṇa mother by a Kṣatriya father'), a Vaidehika ('the son of a Brâhmaṇa mother by a Vaiśya father') likewise, a Mâgadha ('the son of a Kṣatriya woman by a Vaiśya'), and an Ayogava ('the son of a Kṣatriya woman by a Śûdra') (e),—these seven are dwellers outside (the village,)" and not those that are described 10 15 20 25 30 35

Penance ending in death for the same offence excessively repeated intentionally.

(d) The reading in MANU is *etad eva vidhiṃ* etc., and it appears in connection with Ghaṭavidhi. (*Vide* also YÂJÑAVALKYA III. 299). But VIJÑÂNEŚVARA gives a reading *etad eva vratam etc.* Anyhow it is curious why he should have quoted that verse occurring in the midst of a totally different topic with reference to the present subject. It cannot be justified even on the principle of analogy.

(e) *Vide* YÂJÑAVALKYA I, 93-4.

as, "A dyer, a tanner, *etc.*," for with reference to those (forming the latter set) a light penance has been laid down.

509. Likewise in the text, "A Brâhmaṇa who unintentionally approaches a woman of the Chaṇḍâla or of (any other) very low caste, eats (the food of such persons), and accepts (presents from them) becomes an outcast; but (if he does it) intentionally, he becomes their equal" (XI. 175), in establishing an equality with Chaṇḍâlas and so on, it has (as much as) been shown even by MANU that, in the case of an excessive repetition (committed) intentionally, (the penance is) that involving death. It is indeed so. If there is a repetition of approaching a Chaṇḍâla woman unintentionally, then the man suffers degradation (from caste), and hence the penance lasting for twelve years (prescribed in the case) of those who have suffered degradation should be performed. But if the repetition is intentional and excessive he attains an equality with the Chaṇḍâlas, and hence (a penance) which exceeds that lasting for twelve years, (that is,) one resulting in death should be performed.

Adultery with an outcaste woman or eating the food of Chaṇḍâlas.

Penance resulting in death for excessive intentional repetition of adultery with a Chaṇḍâla woman, and twelve years' penance if unintentional.

510. And this refers to the repetition (of the offence standing) for a long time, and if the repetition (lasts during the course) of an only night, (the penance is) that lasting for three years. Thus says MANU: "The sin which a twice-born man commits by dallying one (continuous) night with a Vṛiṣalî, he removes in three years, by subsisting on alms and meditatively repeating (the Veda)" (*f*) (XI. 178). The word 'Vṛiṣalî' denotes here a Chaṇḍâla woman, for it is noticed that the word 'Vṛiṣalî' is used in another Smṛiti in (the sense of) a Chaṇḍâla woman: "A Chaṇḍâlî, an adulteress, a prostitute (*g*), one who falls into menstruation while still unmarried, and one who, being a Sagotrâ (of a man), is married (to him),—these five are declared to be Vṛiṣalîs." An adulteress (is) a profligate woman.

Three years' penance for repeated sexual intercourse with an outcaste woman during a single night.

Vṛiṣalî defined.

511. (Objection). How then should it be understood that a repetition (of adultery with a Chaṇḍâla woman is meant) in this (text)?

(Answer). It is said (thus in reply). (That it is so is understood) because there is seen an instrumental termination in *yat karoti ekarâtreṇa*, that which he commits in one (continuous) night, and it expresses a successful termination of an action (*h*) with an uninterrupted continuity. And as in a single night, an uninterrupted continuity (with regard to that

(*f*) Bühler's translation is slightly changed.

(*g*) *Vaiśyâ*, a Vaiśya woman, is another reading.

(*h*) See PÂṆINI II. iii. 6, which says that an instrumental case is used when the act continues throughout the time or space referred to.

action) cannot come about (*i*) unless there is a repetition of the sexual union, and, therefore, the repetition of the sexual union is inferred. It is verily, therefore, that it has been said above that the penances, (namely,) that lasting for twelve years and so on and also that involving death which is an extension of the vow of (penance prescribed for) violating a 5 Guru's bed refer to cases where the repetition has lasted for a very long time other than one night.

One year's Kṛichchhra and a double Chândrâyaṇa for a single act of intentional and unintentional (respectively) adultery with a Chaṇḍâla woman.

512. Next, when he intentionally or unintentionally approaches a Chaṇḍâla woman once, it should be understood that the performance of a Kṛichchhra for one year 10 and (the performance of) a double Chândrâyaṇa respectively (holds good) as (it is) laid down by YAMA and others: "Having eaten (the food) of Chaṇḍâlas and Pulkasas, and having approached a woman (of them) he shall perform the Kṛichchhra for one year (if it is done) 15 intentionally and a double Chândrâyaṇa (if it is done) unintentionally."

The same penance for incest with a sister.

It should be understood that as in (the text), "[Having discharged semen into (the wombs of high class) damsels] uterine sisters, women born of outcastes *etc.*," (both the terms are) expressed in connection with 20 a single idea, it should be understood that this very settlement (holds good) even in (the case of incest with) a sister and the like.

Penance ending in death means ascending a burning pyre here.

513. And here (the penance) ending in death is ascending a (burning) pyre. For says the text of KÂTYÂYANA, "Approaching a mother, a sister as well, one's own daugh- 25 ter likewise, and also a daughter-in-law is to be known as a high sin itself. And those who have committed these high sins shall ascend a (burning) pyre." It should be noticed that in approaching a mother once and in

Ascending a pyre for once approaching a mother, a sister, etc., repeatedly.

approaching a sister and the rest more than once, 30 (the penance is) ascending a (burning) pyre. For it is not possible that approaching a mother which is a mortal sin, and approaching a sister or the like which is a high sin and becomes a case to which that (penance for mortal sin) can be extended, can be equal. 35

Sundry other texts and the cases to which they refer.

514. And further, (there is) that (penance) which has been laid down by BRIHAD-YAMA (thus): "A Chaṇḍâla woman, a Pulkasa woman, a Mlechchha woman, a daughter-in-law, a sister, a friend, a sister of (one's own) father or mother, a woman who has been confided to one's 40

(*i*) This is called *Anupapatti pramâṇa*. The reasoning is this: A has a quality B. B cannot exist unless there is C. Therefore C exists. The familiar example given is *Pîno Devadatto divâ na bhuṅkte*, the stout DEVADATTA does not eat during the day. His stoutness cannot come about unless he eats at nights and the inference is that he must eat during night-time.

care, a woman who seeks refuge, a paternal uncle's wife, a female ascetic, a woman of the same Gotra (as one's own self), a king's wife, the wife of a pupil, and the wife of a teacher, one who approaches (any of these) shall perform the Châdrâyaṇa;" and also (the penance prescribed by) the text of AṄGIRAS (which says), "Having approached the women (who have) suffered degradation (from caste) or (are) outcastes, or having eaten (the food of such), or having accepted (gifts from them), one shall observe fasting for one month, or else perform the Chândrâyaṇa (penance),"—both of them should be noticed (to hold good) (in the case) of one who intentionally enters upon (these acts which) form the subjects of the extension of (the penance for) violating a Guru's bed, and where there is a stoppage (of the act) before the (stage of) seminal effusion.

Also (there is the) text of SAṂVARTA (which says), "A uterine sister, a mother's relative, and a sister born of one who is another "mother" to him,—having approached these women unconsciously one shall perform a Tapta Kṛichchhra," and it should be known (that it holds good) in the case (which has been) mentioned immediately after (the one of the above sort), (on which one has) entered unintentionally, and where there is a stoppage (of the act) before the seminal effusion.

Again, when one approaches these very women who are extremely profligate, even then this very couple of penances which consists of Chândrâyaṇa and Tapta Kṛichchhra, should be understood (to hold good) when his entering upon (the act is) intentional and unintentional respectively.

But when (that) approaching is with public women, even though they had been enjoyed by the Guru (of the person concerned), there is no sin of violating the Guru's bed. For says the text of VYÂGHRA, "(Offences) described (with reference) to the castes, that of (committing adultery with) other men's wives, (that of) defiling a maiden, or also (that of) violating the Guru's bed do not come in with (reference to) a public woman"(j).

In the same way should even the other Smṛiti texts which tend to establish diverse penances be gathered and (the cases) to which they refer inferred, and they are not given here lest the bulk of the work be increased.

Here ends the Topic on Penances for Violating the Guru's Bed.

SECTION IX.—PENANCES FOR CONTACT SINS.

515. Having thus laid down the penances referring to a Brâhmaṇa-slayer and the like who commit mortal sins, (the sage now) turns to describe, as suggested by the opportunity, the penance to (be performed by) those who have had their contact:

CCLXI. Also whoever lives with those indeed for one year, even he is equal to them.

(j) S. reads *sâdhâraṇa-striyo* and it ought to be *sâdhâraṇa-striyâm*, with reference to a public woman.

One year's intimate stay with a sinner necessitates the same penance as is prescribed for that sinner.

Whoever intimately lives, (that is,) moves in close contact, for one year with those, (that is,) a Brâhmaṇa-slayer and the rest described above, even he is equal to those (mortal-sinners). The use of the expression "equal to those" is for the purpose of extending the penance (prescribed with reference) to one to (the case of) another (also, and pointing out the fact that) whoever moves in close contact with one (who is a sinner) has to perform the very same penance as that (sinner), and not to extend the fact that he (too) has rendered himself culpable for the same sin, for that fact (that he also is a mortal-sinner) has been established from the very direct rule, "And also he who lives with them" (III. 227).

Sufficient contact with a mortal-sinner necessitates the same full penance.

516. But in such (a case as of intimate contact for one year with a mortal-sinner), although there is (such a thing as) the extension (of the penance from one case to another), yet that (penance) lasting for twelve years shall be performed (for the) full (term) itself, for (even though it is a mere contact) there is (the taint of) mortal sin (as the text) directly (expresses even) in the case of one who has had (that sort of) contact.

Contact with other sinners also has a similar effect.

From the word *api* ('even') (which is employed in the text), the sage points out that it is not only one (who is) in contact with a mortal-sinner (that renders himself) equal to him, but also whoever has had the contact with any one from amongst those who commit high sins, (ordinary) sins, minor sins, and so on, even he becomes equal to him and also has to perform the very same penance as that (person whose contact he has had) has to do. It is verily, therefore, that having described the entire collection of the penances (the following) has been stated by MANU: "He who associates with any one of those outcasts, must perform, in order to atone for (such) intercourse, the very penance prescribed for that (sinner)" (XI. 181). Also it has been pointed out in general by VIṢṆU that where (one has had) the contact with one who is but a sinner, (that is,) one who has committed a minor sin or any (sin whatever), renders himself liable to the penance of that (sinner): "Whoever associates with one who is a sinner, he shall observe the same vow (of penance) as he" (*k*) (LIV. 1). It is on this very account that (intercourse with) any sinner is prohibited by MANU in general: "One shall not have any dealings with unpurified sinners" (XI. 189). Similarly "When the penance has not yet been performed he shall not seek intercourse with the good."

Twelve years etc. penance where the contact was intentional for one year.

517. And (the extension of) this penance which lasts for twelve years etc. (and which is laid down with reference) to persons who have suffered degradation from caste refers to a case where the contact (is had)

(*k*) The reading is slightly altered here from what is seen in the Jolly's edition.

intentionally. For says the text of DEVALA: "Having consciously lived for one year with one who has suffered degradation (from caste), that man at the end of the year is (said to have) mixed with him, and he also suffers degradation (from caste)." But where the contact is unconscious that (course) which has been laid down by VASIṢṬHA (should 5 be adopted): "If through study, matrimony, or even officiating at sacrifices (l) (that they had the) contact with outcasts (is discovered), then whatever property is acquired from them shall be abandoned, and (they shall) live no longer with them. (But) marching in the northerly direction, observ- 10 ing fasting, and reciting the Saṃhitâ (of the Veda), it is declared (in the Veda) that he (who has had the contact) is purified" (XX. 45-6).

A different course for unconscious contact.

518. Similarly in the text (of YÂJÑAVALKYA), "A Brâhmaṇa-slayer, he who drinks Surâ, a thief of Brâhmaṇa's Suvarṇa, and likewise he who violates his Guru's bed—these are the committors of mortal sins and also 15 he who lives with them" (III. 227), as, by the instrumental '*taiḥ*' ('with them'), it is expressed that the quality of being mortal-sinners (rests only) with those who come in contact with those four, the Brâhmaṇa-slayer and the rest, and (who are) referred to by the 20 pronoun, the quality of being mortal-sinners cannot attach to those who (in turn) come in contact with such (as have had the direct contact).

Taint of mortal sin only when there is direct contact.

519. (Objection). Well, contact with a mortal-sinner is in itself the cause of rendering one a mortal-sinner, and not contact with particular (mortal-sinners), the Brâhmaṇa-slayer and the (three) others, for that 25 (particular contact) is but accidental. Hence in the present case (it must be recognized that) even he who has had the contact of one, who (in turn) had had the (direct) contact with a mortal-sinner, has had the contact of a mortal-sinner (himself), and, therefore, even he (who has) had an indirect contact should be (treated as) a mortal-sinner, and besides 30 there is no (text to make it an) exception.

(Answer). It is (thus) said (in reply). That could have been so if (the fact) who exactly is a mortal-sinner can be inferred from any other reliable source (of knowledge). If that is to be understood only from the words (employed in the text of YÂJÑAVALKYA), it is apt that it can 35 exist only in him (who has had the direct contact). For by the pronoun *taiḥ* which brings within the purview of it the (objects of the) topic on hand it is understood that the contact with only particular (persons), a Brâhmaṇa-slayer and so on, is the cause of rendering one a mortal-sinner. This being so the absence of the (rules of) exception cannot also 40 be the cause (of establishing the taint of a mortal sin in him who has had only an indirect contact), for there is no possible occurrence at all of it (to require a rule of exception). Hence the loss of right to the (religious)

(l) *Sranva*, officiating at sacrifices seems to have been omitted in some readings.

duties of the twice-born (classes) cannot hold good (in the case) of those who have had the contact of those, who (in turn) had had the contact (of mortal-sinners) and with regard to the penance, it of course is (to be observed to the necessary extent).

520. Nor should it be said that inasmuch as there is the absence of sin (in the case) of one who has had the contact of one who had had the contact (with mortal-sinners), how the penance then (can arise in his case). In (the text), " One should not have any dealings with unpurified sinners" (*m*), as even contact with one who has had the contact with another, who (in turn) had had the contact with a mortal-sinner, is prohibited by prohibiting contact with any sinner in general, (that here should be the) penance is justified even though there is the absence of sin (of that sort). And that penance should be known to be a fourth part less as is laid down by VYÂSA: " Whoever might live with another for one year, even he shall attain equality with him. A twice-born (man) shall observe a fourth part less the vow of (penance prescribed for) those respective persons." Similarly even in the case of those (who are the) fourth and fifth (persons who might receive the contact in succession from the first who is the direct committor of the sin) when they have the intercourse intentionally, (the penance) should be noticed (to be) half less and three-fourths less respectively (*n*). Hence it is settled that liability to the (full) penance (laid down with reference) to a Brâhmaṇa-slayer and the rest, is only (in the case of) him who has had the direct contact (with such persons) and not to him who has had the contact with one, who (in turn) had had the contact (with a mortal-sinner directly).

Three-fourths of the penance in the case of indirect contact.

Half the penance for the second indirect contact, and a quarter for the third.

521. Further, (there is this peculiarity) here: It has been laid down, of course, that (the penance is) that involving death in (the case of) a Brâhmaṇa-slayer and the rest (where the act is committed) intentionally, and, nevertheless, that (penance) is not extended to (the case of) one who has had the contact. For it is only the vow (of penance) that has been extended (to his case) by the text, " He shall observe the very vow (of penance laid down in) his (case)," and there is no such thing as reference to the death-(penance) by the word 'vow.' Hence in this case, although the contact (is had) intentionally, (the penance is only that) lasting for twelve years, while (when it is done) unintentionally, it is only half (of it).

Death penance only to the direct committor of the sin and not to those who have had the contact.

522. Next, contact, on account of the difference in the action that determines it, is divided into several kinds. Thus says VṚIDDHA-BṚIHASPATI, " (Occupying the same)

Several kinds of contact.

(*m*) MANU XI. 189.

(*n*) S. omits the part of which this sentence is the translation.

bed and seat, (dining in the same) row, (vitiating) contact of vessels, (dining) row, and food, officiating at sacrifices, teaching (the Veda), matrimonial alliance, and eating (from the) same (plate): Ninefold is mixing (thus) described, and it should not be done with the lowest." Even DEVALA (has), "Through conversation, touch, breath, using the 5 (same) conveyance and seat (together), and eating (from the) same (plate), through officiating in sacrifices and teaching (the Veda), and through matrimony there is the contact of sin to men." (Occupying the) same bed and seat, (that is,) (using) the same cot or seat; dining in the same 10 row; cooking in the same vessel (as was used by a sinner); mixing or contact with his food, that is to say, partaking of the food that belongs to him; officiating at sacrifices, (that is,) (officiating at the sacrifices) of a sinner or (being officiated) at one's own sacrifice by that (sinner); teaching (the Veda) to him or to have (it) taught to one's 15 own self by him; matrimonial alliance, (that is,) giving away a maiden to him, or to receive a maiden at his hands; eating (from the) same (plate), (that is,) dining from the same platter; conversation, (that is,) talk; touch, (that is,) contact of the bodies; breath, (that is,) contact through the exhaled air of a sinner; and using the (same) conveyance 20 (together), (that is,) riding the same horse or the like, (are productive of contact sins).

Definition of various terms.

523. If it is asked to know that out of a particular act among these by what (period of) time there results (the taint of) sin to one it has been declared by BṚIHAD-VIṢṆU thus: "One suffers degradation (from caste) in 25 moving together with a Patita for one year with regard to the same conveyance, meal, seat, and bed, but by contact with matrimony, sacrifice, and what comes out of the mouth (he suffers degradation) forthwith." Here "same meal" means dining in the same row, and if dining is from the same plate, 30 degradation (from caste) is verily immediate. For says the text of DEVALA, "Officiating at sacrifices, matrimonial alliance, studying the Veda, and eating together, –he who does these (things) along with one who has suffered degradation (from caste), does certainly suffer degradation (from caste) forthwith, and there is no doubt about it." 35 By the term 'Srauva' ('officiating at sacrifices') is denoted Yâjana ('officiating at another's sacrifice'); and by the expression 'what comes out of the mouth' the teaching of the Vedas as that is to come from the mouth. Although it is expressed (here) by the Dvandva compound as, *Yauna-srauva-mukhyaiḥ* 40 ('by matrimonial alliance, by officiating at sacrifices, and by what comes out of the mouth'), yet they all act severally as the causes of immediate degradation (from caste). For says the text of SUMANTU, "He who, of the contacts, (namely,) matrimonial alliance, teaching the Veda, and officiating at sacrifices, 45

Some take one year to cause degradation from caste while others do it forthwith.

Officiating at sacrifices etc. are each causing of degradation.

will have one of the contacts, even for him the same is the penance."

Using the same conveyance etc.—all the four together cause degradation from caste, while each causes sin.

And of that set of four, (using the) same conveyance etc., it is only an aggregate that causes the degradation from caste, for in the text, *eka-yâna-bhojan(a)-âsana-śayanaiḥ*, "with (regard to) the same conveyance, meal, seat, and bed," it has been shown by the Itaretarayoga (Dvandva compound as if they are mutually dependent). Although there is no (such thing as) that they become the cause of degradation (from caste) in being practised severally, yet (a practising of such severally) has certainly (about it the character of) causing sin. For from the text of PARÂŚARA, "Through (occupying the same) seat, bed, and conveyance, and through conversation and eating together, sins spread from one indeed to another just as a drop of oil on the (surface of) water," it is inferred that they prove causes of sin even when (taken) individually. But (with regard) to conversation, touch, and exhalation as they have close connection with the set of four, (namely,) the conveyance and the rest, they act as causes of degradation (from caste) only when they go together, and not when they occur severally, because they are very light (in nature). But they certainly have the character of causing sin, for it has been shown by the text of DEVALA which begins thus: "[Through] conversation, touch, breath *etc.*" Hence when the set of four, (using) the same conveyance etc. is done, without conversation etc. one shall perform the penance (which is) a fifth less of that lasting for twelve years, but when along with such, the whole of it.

Conversation etc. cause degradation from caste together.

YÂJÑAVALKYA's text also points to the same view.

524. And it being so, the text of (YÂJÑAVALKYA) the lord of Yogins, (namely), "Also whoever lives with those indeed for one year, even he is equal to them," is also apt to refer to the set of four using the same conveyance etc. alone, for conversation etc. have no character of being individually the causes of degradation (from caste). It is verily, therefore, that by MANU in (the text), "He who associates with an outcast himself becomes an outcast after one year not for sacrificing for him, teaching him, or forming a matrimonial alliance, but for using the same conveyance and seat and by eating with him (o) (XI. 180), that the set of four, (namely,) conveyance etc. themselves, are described as being the causes of degradation (from caste) in one year. Here the use of the (word) 'Âsana' ('seat') is a synecdoche (indicative) even of Śayana ('bed'). Here the syntactical connection is between (two portions that are) separated (by something intervening), (and it is) thus, "He who

(o) To suit the explanation of VIJÑÂNEŚVARA 'or' has been removed from Buhler's translation. SARVAJÑANÂRÂYAṆA's and also GOVINDARÂJA's views seem in a way to point to this very view, though KULLÛKA is harsh to GOVINDARÂJA. Other commentators are not explicit, but seem to hold that each is the cause of bringing about degradation in one year.

associates with an outcast, himself becomes an outcast after one year by using the same carriage or seat, and eating with them " in accordance with the statement of VIṢṆU explained above; and also on account of the text of DEVALA: "One who always eats (in company with), (occupies the same) seat, (sleeps on the same) bed, etc. and (thus) 5 moves (intimately) with an outcast suffers degradation (from caste) in one year." And (in construing the text thus) there is no fallacy of wrong syntax, for the grammatical connection does arise by slightly altering the sense as, 'he who associates, (that is,) by moving together for the purpose of using the same conveyance and seat, and by eating 10 with him.' It is as in, *Etayâ punarâdheyasammitayâ iṣṭyâ iṣṭvâ* (p), or by the termination *śatṛi* in *âcharan*, ('he who associates'), an idea indicative of a reason is inferred, and the expression *yânâsanâśanât* ('for using the same conveyance and seat and eating with him') is an ablative in the sense of an accusative. 15

By officiating at sacrifices, teaching (the Veda), and matrimony it is not that he suffers degradation in one year, but instantaneously alone (as that is) in very conformity with the group of statements of the ancients. Hence on account of the set of four, matrimony and the rest, one suffers degradation (from caste) instantaneously, but by the set of four conveyance 20 and the rest, (he suffers degradation from caste) in one year by an uninterrupted repetition.

One year means uninterrupted continuity for three hundred and sixty days.

525. In (the text), "[Also whoever lives with those indeed] for one year, even he is equal to them," there is seen the accusative *vatsaram* ('for one year'), which expresses uninterrupted 25 continuity, and the counting of the days it comprises should be done so that the contact lasts for three hundred and sixty days (uninterruptedly). And if it is less than that, there is no (same) penance (as prescribed) for an outcast, but only something else. Just so has PARÂŚARA: "A Brâhmaṇa having 30 unintentionally had contact with the outcasts and the rest for five days, or

Eight different cases for shorter periods and the corresponding penances.

for ten days, or even for twelve days, or half a month, or one month, or even three months, (or) half a year, or even a year (he is only tainted with sin), and after that (period) he becomes equal to him (whose contact 35 he has had). (He shall fast) for three (days and) nights with reference to the first case and perform a Kṛichchhra in (case of) the second, while he

(p) As it stands the sentence without suggestive syntax means, 'This, an iṣṭi, determined by the number of things contained next, being offered.' It would at first sight appear that 'determined......next' is in apposition with 'this, but in fact the two things are to be taken separately, and the text taken to mean, 'This, (and) as many as there are the things contained, next, being offered,' that is to say, 'this being offered (first), and next as many as there are the things contained offered.' Though something intervenes between 'this' and 'being offered' and suggest another construction, yet it must be taken in the manner explained.

shall perform a Sântapana Kṛichchhra in the third case also. In the fourth case there shall be (fasting) for ten days and in the fifth (case) a Parâka thereafter. In the sixth (case) he shall perform a Chândrâyaṇa, and in the seventh a double Chândrâyaṇa. And likewise even in the eighth case he shall perform the Kṛichchhra (continuously) for six months." 5

526. But when the contact is intentional, a special (rule) has been laid down in another Smṛiti thus: "If (the contact is of) five days he shall perform a Kṛichchhra (penance), and if of ten days a Tapta Kṛichchhra. It is a Parâka if (the contact is one of) half a month, and if (of) one month, one shall perform a Chândrâyaṇa. If (the contact is one of) three months he shall perform a Kṛichchhra followed by a Chândrâyaṇa, and if the contact is one of six months, Kṛichchhra shall be performed for half a year. And if the contact has lasted for a year, then the man shall perform Chândrâyaṇa for one year." Here with reference to (expression) "if the contact (has lasted) for a year," it should be known that it (implies a period) slightly less (than one complete year), for if one year is complete it is stated by MANU and others that (the penance is the one) lasting for twelve years.

Increased penance for intentional contact.

527. (There is) that text, however, of BṚIHASPATI (which says), "If the contact (is one) of six months by (means of) officiating at sacrifices, teaching, and the like and by (means of) (occupying) a seat or bed in one and the same place, one shall observe half the penance (lasting for twelve years)," and (it is a) text laying down that degradation (from caste) (results) with six months (in the cases) of officiating at sacrifices, teaching, matrimony, and eating from the same platter. And this should be known (to hold good) when the contact is unintentional or had at (the time of) extreme distress in the (case of) officiating at sacrifices, such as of the nature of Pañchamahâyajñas ('five great sacrifices'), teaching of the Aṅgas ('auxiliary sciences'), and also sexual connection other than with daughter or sister, for it has been stated that by officiating at sacrifices of a higher nature etc. there is an instantaneous degradation from (caste). By following this very hint it should be devised that, (in the case) of those who have had contact with high-sinners, such as those who commit incest with a daughter, a sister, or a daughter-in-law, (the penance is that) lasting for nine years if (the contact is) intentional, and lasting for four years and a half if (it is) unintentional. (In the case) of those who have had contact with such sinners as those who commit incest with a (female) friend, paternal uncle's wife, etc., (the penance is one) lasting for six years if (the contact is) intentional, and lasting for three years if (it is) unintentional. Next even in the case of those who have had contact with

Six years' penance for unintentional contact or that under extreme distress.

Nine years' penance for intentional contact with high-sinners and four and half years' penance if unintentional.

Case of contact with persons who commit incest with a female friend etc.

minor-sinners, etc. it should be inferred that (the penance is one) of three months prescribed for those very (persons) if (the contact is) intentional, and half of it if (the contact is) unintentional.

Three months' penance for intentional contact with minor-sinners and half of it for unintentional contact.

528. As (in the case) of men even so (in the case) of women, degradation (from caste) on account of contact with mortal-sinners is the same without distinction. Thus says ŚAUNAKA: "Whatever are the causes of degradation (from caste) (in the case) of man, the very same (are the causes) even (in the case) of women. A Brâhmaṇa woman suffers degradation (from caste) in a high degree when she serves one of an inferior Varṇa." Hence, even (in) their (case) with whomsoever from among mortal-sinners etc. the contact (takes place), the penance referring to that very person should be prescribed by half.

Women suffer degradation in the same way as men and their penance is half of what it would be for a man.

Similarly even (in the case) of boys, old men, and disease-stricken persons, (the penance is half) if (the contact is) intentionally (had) and a fourth part if (had) unintentionally. And likewise even in the case of a boy who is not initiated (into Brahmacharya), (the penance is) a fourth part if (the contact is had) intentionally, and half of it if (it is had) unintentionally. This is the hint.

Half the penance for intentional contact in the case of boys, old men, and sick persons; a fourth part for unintentional contact.

Half of the above when the boy is not yet initiated.

529. (The sage now) gives counter-exceptions in a certain case with regard to the matrimonial alliance, which has been prohibited by prohibiting contact with the outcasts:

A maiden of these might be taken in marriage who has observed fasting (as a penance) and brings nothing (with her).

A maiden of these, (that is,) of these outcasts, who has been born during the period of their remaining outcasts, who has observed fasting, (that is,) who has undergone the penance suited to the period of contact she has had, and who brings nothing, (that is,) who does not bring with her (any of) her father's property in the shape of raiments, ornaments, etc. might be taken in marriage.

A daughter of outcasts who has performed penance and brings no wealth might be taken in marriage.

530. By saying "A maiden of these might be taken in marriage," (the sage) points out that a maiden who has of her own accord given up the contact of the outcasts might be received in marriage but not, on the other hand, accepted from the hands of an outcast. And if this is so, even the conflict arising from prohibiting contact (in the form) of matrimonial alliance with outcasts comes to be removed. This

She must first give up contact with her outcast people.

very fact has been made clear by VṚIDDHA-HÂRÎTA thus: "A daughter of one who has suffered degradation (from caste) who, being devoid of raiment, has observed fast for one day and night, and is dressed (the next) morning in a new white raiment, and who in a loud voice declares thrice (as), 'I am not of these nor these of mine,' one might marry in a holy 5 place or at his own house."

531. Similarly by (means of) the text which says, "A maiden of these might be taken in marriage," (the sage) points out that the offspring of those outcasts other than daughters are not fit for contact. It is verily, therefore, that VASIṢṬHA (says), "The offspring of an outcast, 10 unless (it be) a female, is an outcast. For she enters (the family of) another. One might marry such (a female) without a dowry" (XIII. 51—3).

Thus ends the Topic on Contact Penances.

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SECTION X.—PENANCES FOR SLAYING PERSONS BORN (OF 15 PROHIBITED UNIONS) IN THE REVERSE ORDER (OF CASTES) AND PENANCES FOR A ŚÛDRA.

532. In connection with the topic on prohibited contacts (the sage) lays down the penance for slaying those (persons) born (of prohibited unions) in the reverse order (of castes): 20

CCLXII. Having also killed all persons of degraded castes, one shall perform a Chândrâyaṇa.

Persons of degraded castes are Sûta, Mâgadha, and others born (of prohibited unions) in the reverse order (of castes), and for slaying them (the penance is) a Chândrâyaṇa in each case. Just 25 so (has) ŚAṄKHA: "In slaying all (sorts of persons) of degraded castes, one shall in each case (perform) a Chândrâyaṇa," or else he shall perform a Parâka prescribed by AṄGIRAS thus: "In knowing carnally any outcaste (person), eating (with) or slaying (him), purification is attained by a Parâka, and thus 30 is the statement of AṄGIRAS." With (regard to) that if (the act of) slaying a Sûta etc. (is) intentionally (done), the penance is a Chândrâyaṇa, but if the slaying of a Sûta (is) unintentionally (done) (the penance) is a Parâka. In slaying a Vaidehika, (the penance is) a fourth (part) less, and in slaying a Chaṇ- 35 ḍâla it is two-fourths. In slaying a Mâgadha (the penance is) a Parâka less one-fourth (of itself), in (slaying a) Kṣattṛi two-fourths, and in slaying even an Ayogava it is two-quarters. From this very hint difference even with regard to the (character of) Chândrâyaṇa should be 40 determined.

Penance is a Chândrâyaṇa for slaying a Pratiloma.

Penance is a Parâka only if slaying is unintentional.

Gradation of penances for other cases.

533. There is, however, the text of BRAHMAGARBHA (which says), "(In the slaying) of women who are born (of prohibited unions) in the reverse order (of castes), (the penance) is declared to last for one month; and (in the slaying) of those born of (prohibited) mixed unions also, (that is,) of the Sûtas etc. (it is lasting for) four, two, and six (months);" and that refers to a repetition (of the offence) with regard to it. For slaying a Sûta (the penance lasts for) six months, for slaying a Vaidehika four, for slaying a Chaṇḍâla two, and thus it should be taken according to the propriety. And likewise the settlement (is that the penance is that lasting for) four months for slaying a Mâgadha, that lasting for two months for (slaying) a Kṣattṛi, and (it is) one lasting for two months in (slaying) an Ayogava also.

Other cases.

534. As the vows (of penance) occasioned (by special circumstances) are to be accomplished by meditative repetition (of the Mantras) and so on, and as they are impossible in the case of those that are destitute of learning and also of Śûdras etc., (the sage) suspects (their) incapacity as (that) of the blind with regard to the (sacrificial) acts (that are) to be accomplished by (the rite of) looking into ghee (*q*), and says:

A Śûdra, though devoid of capacity (for it), is purified by the time thus prescribed. 20

Although a Śûdra is devoid of right for meditative repetition (of the Mantras) and so on, he is, nevertheless, by the vow (of penance) which is completed in the period of twelve years and so on, purified. The use of the word 'Śûdra' is a synecdoche (expressive also) of women and of those born (of prohibited unions) in the reverse order (of castes).

Women, Śûdras, and those born (of prohibited unions) in the reverse order (of castes) are purified with the lapse of the period of the penance.

535. Of course there cannot be the possibility of meditative repetition of Gâyatrî and the like (Mantras), and, nevertheless, there is a meditative repetition of the Mantra of the word *namaḥ* (*r*). It is verily, therefore, that it is said in another Smṛiti: "His food is what remains after others have partaken of their meal, and the Mantra (consisting of) the word *namaḥ* is also permitted (for him)." Or else, on the strength of (the following) text he might observe the vow (of penance) even without a meditative repetition (of the Mantras) and so on. For says the (text of) AṄGIRAS, "Therefore, having brought a Śûdra, who would always stay in the path of duty, (before an assembled Parṣat), (a course of) penance free from meditative repetitions (of Mantras) and (offering) of burnt-offerings, should be prescribed (in his case)." Even so has another (course) been prescribed

Namaḥ is the Mantra in the case of a Śûdra.

Or he might observe the penance even without meditative repetitions.

(*q*) See note (*vv*), page 100, *ante*.

(*r*) See YÂJÑAVALKYA I. 121.

by that very (authority): "A Śûdra might attain purification with (the lapse of) time being devoted to (do) good to the cows and Brâhmaṇas; or (he might be purified) by (making) gifts, or by (observing) fasts, or likewise by doing service to the twice-born (classes)." 5

Or he might do good to the cows and Brâhmaṇas, make gifts, observe fasts, etc.

(There is), however, (the text) of MANU which (says), "Nor let him explain the sacred law (to such a man), nor impose upon him a penance" (IV. 80), (and that is) a text which (though) tends to prohibit prescribing a (course of) penance for a Śûdra, is (yet) intended to (refer to) a Śûdra, who does not appear before 10 an (assembled) Parṣat. (There is) also (the following) text of another Smṛiti which (says), "These Kṛichchhras shall be observed by those belonging to the three (twice-born) classes but it is laid down that with regard to these Kṛichchhras there is no right to a Śûdra," and that (is prescribed) with 15 a view to (refer to) the Kṛichchhras which are performed with a desire (for its merits). Hence it is settled that there is right for (observing) the vow (of penance) to a woman, a Śûdra, and those born (of prohibited unions) in the reverse order (of castes), just (as) to those belonging to the three 20 (twice-born) Varṇas. (There is) the text of GAUTAMA which, however, says, "Those born in the inverse order (from fathers of a lower and mothers of a higher caste stand) outside (the pale of) Dharmas" (IV. 25), and that is intended to refer to all Dharmas as initiation (into Brahmacharya) and so on. 25

No penance should be prescribed for a Śûdra who does not appear before a Parṣat.

A Śûdra can perform a Kṛichchhra for the purposes of a penance.

Women, Śûdras, and Pratilomas have a right to the vows of penance.

Here ends the Topic on Penances for the Five Mortal Sins.

SECTION XI.--PENANCES FOR COW-SLAUGHTER.

536. With regard to the multitude (of sins consisting of that) group of five mortal sins and the rest, (the sage) laid down the penances with regard to the mortal sins, heinous sins, and high sins, and (now), with a 30 view to describe the penances relating to the minor sins, first starts by prescribing the penance for cow-slaughter as that (offence) occurs (first) in the order (of enumeration of the minor sins):

CCLXIII. A cow-slayer might, restraining himself, spend one month drinking Pañchagavya, and resting in a 35 cow-pen, and following the cows, he is purified by giving a cow in gift (at the end).

CCLXIV. Or even, with self-restraint, he might perform the Kṛichchhra (penance) or Atikṛichchhra. And he, having fasted for three (days and) nights, might 40

give away (in gift) cows, which together with a bullock (number) eleven.

He is a cow-slayer because he slays the cow. The termination *ka* in *goghna* ('cow-slayer') is because it is analogous to the group (of words) of which *mûlavibhuja* is the first (s).

The term 'Goghna,' cow-slayer.

He should spend one month restraining himself. Doing what? Subsisting on Pañchagavya, (that is to say,) drinking those five Gavyas ('things produced of a cow'),—cow's urine, cowdung, (cow's) milk, (cow's) curds, and (cow's) ghee,—that are mixed together according to the rules laid down, for they have been prescribed for his purposes of dining to the exclusion of any other kind of food.

Subsisting on mere Pañchagavya.

Likewise he should rest in a cow-pen. By (the very) prescribing of his stay in a cow-pen (although) it comes in that he has to sleep too (there alone), (yet) by a repetitive mention of (the fact) that he shall rest in a cow-pen, (it should be inferred that) as sleeping is prohibited during daytime he should sleep in a cow-pen at nights.

He shall sleep in a cow-pen at nights.

He is described as following the cows, for he is one who follows cows and that is his vow (of penance). The termination *ṇini* comes in (in the original) *go(a)nugâmin*, one who follows the cow, in the sense of *Vrata* ('vow of penance'). And hence in the pen of whichever (herd of) cows he might sleep in, on account of the (relation of) proximity (between them and himself), he must follow those very cows which in the morning go about (for grazing). As the text says he must follow, it is understood that when they move about, he too must follow them alone, but when they stand or lie down, then, as going behind becomes impossible, he too must stand or sit down. From the very rule of following, it is, as a matter of course, settled that he too should enter the cow-pen with them when in the evening, they enter their pen.

He shall follow the cows in whose pen he stays.

Doing thus, at the end of the month by giving a cow in gift, (that is,) having made over a cow in gift, he is purified from the sin of cow-slaughter as by thus much the purpose of the Śâstras is accomplished. This is one (sort of) vow (of penance).

He shall make a gift of a cow at the end of one month.

The idea of resting for one month in a cow-pen and following the cows continues, but the idea of subsisting on Pañchagavya ceases. The reason is the very prescribing of Kṛichchhra (afresh). And hence that he should with

Kṛichchhra for one month is another penance.

(s) See Vârtika under PÂṆINI III. ii. 5, Siddhânta-Kaumudi 2919.

self-restraint perform the Kṛichchhra (penance) for one continued month is another vow (of penance). It is verily, therefore, that it has been described by JÂBÂLA that the Prâjâpatya lasting for one month is a separate penance in itself: "If one has been a slayer of a cow, the (act being done) unintentionally, he shall perform the Prâjâpatya (penance) for one month, 5 be (devoted to do) good to the cows and move behind the cows, and is purified by giving a cow in gift (at the end).

Atikṛichchhra is another penance.

The next is that he might, otherwise, perform the Atikṛichchhra in that very manner. The nature of Kṛichchhra and Atikṛichchhra will be described later on. 10

Three days' fast etc. the fourth.

Or else, he might observe fast for three (days and) nights, and might make a gift of (as many) cows (as with) whose (number) one bullock forms the eleventh. Thus there are a set of four vows (of penance).

Three days' fast etc. where a cow belonging to a Brâhmaṇa devoid of qualities is killed.

537. Of these (penances) if a cow that has no special qualities and 15 was owned by one who is a Brâhmaṇa but in caste, is slain unintentionally (*t*) it should be known that (the penance is) fasting for three days accompanied by a gift of cows and a bullock (which forms the) eleventh (with their number), for a higher penance is prescribed where a 20 cow possessing special qualities and owned by one who also has special qualities is killed.

Subsisting on Pañchagavya for one month for a similar slaughter of a Kṣatriya's cow.

But in the case of slaying of a cow which belongs to a Kṣatriya (which will be an act) of the same character, then it is the penance which is first (mentioned) and consists in 25 subsisting on Pañchagavya for one month. Here as the Pañchagavya which is partaken of for one month (forms) an extremely small (quantity a day) that has (the character of) being equal to fasting for one month. And then by counting one and one Prâjâpatya for every six (days of) fasting, there result five Kṛichchhras, 30 and as a substitute for them five cows (might be made over in gift at the rate of one each). (Thus these five cows) together with one cow that is to be made over in gift at the end of the month (when the penance closes) make six cows, and, therefore, (this) penance is lighter than the vow (of penance) of fasting for three days followed by a gift of (ten) 35 cows (and an) eleventh bullock.

Superior character of the property belonging to higher classes.

538. But how then does the superiority come of the cows (belonging) to Brâhmaṇas and the rest? (It is so) because NÂRADA in the text, "It should be known that the property belonging to the gods, Brâhmaṇas, and kings are the best," 40 describes that his property is of a superior nature, and also in connection with such that the punishment is (also) excessive

(*t*) D., G., and N. have *úpavâsaṃ kṛitvâ*, having observed fasting, extra here.

is seen in (the text), "For (stealing) cows belonging to Brâhmaṇas [(the offender) shall forthwith lose half his feet]" (u).

539. But in the case of a similar slaying of a cow which belongs to a Vaiśya, (the slayer) shall perform the Atikṛichchhra for one month. And it has been stated that an Atikṛichchhra (consists in) partaking of only one handful of food (v) during the first three periods of three (days and) nights (each), and in (complete) fasting during the last three (days and) nights. Hence, if the vow (of penance) for one month is performed by observing the Atikṛichchhra, there is a (complete) fasting for six (days and) nights, and during the twenty-four days there is a partaking of an only handful of food (a day). And, therefore, after the manner of considering a substitute (in the form of making gifts of cows in place) of a Kṛichchhra there results in this case something less than (a gift of) five cows, and, therefore, as it is less than (either of) the two preceding vows (of penance) it is proper that it should refer to the killing of a cow owned by a Vaiśya.

Penance is Atikṛichchhra for a similar slaughter of a Vaiśya's cow.

540. In an exactly similar case, where a cow owned by a Śûdra is slain, (the penance is) the second (mentioned one, namely,) the (observing of) Prâjâpatya vow for one month. And (with regard) to that also which consists of two and a half (units of) Prâjâpatya, there results (a gift of) slightly more than two cows in reckoning a substitute (for the whole penance), and, therefore, as it is less than any of the penances (described) above, it is proper to hold that it refers to (killing a cow of) a Śûdra.

Penance is Prâjâpatya for a similar slaughter of a Śûdrâ's cow.

541. Or this set of four penances might be employed in the very same case as the one described above with reference to the direct committor (of the deed), the instigator, the abettor, and the accomplice by considering the difference in (the degree of their sin it) being more (in one) and less (in another).

542. (There is that text) of VIṢNU which (prescribes) three vows (of penance) as, "For a slayer of a cow, (the penance is subsisting) on Pañchagavya for one month (partaking of) three Palas (of it) every day, or (it may be the performing of) a Parâka, or even a Châdrâyaṇa." (There is) also (that text) of KÂŚYAPA, which (says), "One who has slain a cow shall cover himself with her skin, rest in a cow-pen for one month, bathe daily at the three Savanas, and partake of Pañchagavya every day." (There is) also (that text) of ŚÂTÂTAPA which (says), "One shall subsist on Pañchagavya (for one) month." All those five (penances) refer equally to that very case for which subsisting on Pañchagavya (for one month) is prescribed by YÂJÑAVALKYA.

Alternative penances for the same case for which subsistence on Pañchagavya for one month is prescribed.

(u) MANU VIII. 325.

(v) This is a mouthful. MANU is explicit on the point when he says *grâsa*. See MANU XI. 213.

543. Next (there is the following penance) prescribed by ŚAṄKHA and PRACHETAS (in the text) which (says), "A slayer of a cow shall subsist on Pañchagavya, eat nothing (else) for twenty-five (days and) nights, shave off (all the hair) including (even) that on the crown, cover himself with the cow's hide, go after the cows as well, rest in the cow-pen, and also make over a cow (in gift) (at the end);" and even this refers to the same case as the one for which (the performance of) the Atikṛichchhra for one month is laid down by YÂJÑAVALKYA. Or it should be known to apply to the (same) case (as the text), "Having fasted for three (days and) nights, he might give away (in gift) [cows]," (refers) where the slayer is extremely full of good qualities. With regard to this very case when one is not able (*w*) to (subsist on) Pañchagavya it should be understood that the penance is the second (one) (prescribed) by KÂŚYAPA, who, having first established "[He shall subsist] on Pañchagavya (for) one month" goes (on) to say, "Or he might partake of milk at the sixth (meal) time; shall go after (the cows) when they are moving; sit down too when they lie down at ease; shall not move very fast; shall not make them light on too uneven ground; shall not allow them drink where the water is scanty; and at the end (of the course) he shall feed the Brâhmaṇas and give away (in gift) an (image of) cow (made) of sesamum." And (in the case) of one who is not able even to (do) this, it should be understood that (the penance) prescribed by PAITHÎNASI (holds good): "A slayer of a cow shall live for one month upon gruel, prepared out of one handful of rice (a day) and is purified by doing what is pleasing to the cows."

Alternative penances for the case for which Atikṛichchhra is prescribed.

He might partake of milk at the sixth meal-time if unable to subsist on Pañchagavya.

If unable still more he might partake of a small quantity of gruel every day.

544. Further (there is) the following which (has been prescribed) by SUMANTU: "(The penance) for a cow-slayer is making over a cow (in gift), resting in a cow-pen, partaking of Pañchagavya for twelve (days and) nights and also following cows." Also (there is the following) which has been stated by SAṂVARTA: "He shall subsist on barley-meal, barley-gruel, or what is collected by alms, milk, curds, and ghee,—(one of) these in the order he shall eat once (*x*) (a day) for half a month with perfect self-restraint. He shall feed the Brâhmaṇas (at the end), and make over a cow (in gift) for the purpose of his purification." (There is) also (that text) of BṚIHASPATI which (says), "He shall subsist on Pañchagavya for twelve (days and) nights." It should be understood that all these three refer to the same case as the Prâjâpatya (penance) laid down by YÂJÑAVALKYA; or refer to the case of slaying a cow which (though alive) is as good

Alternative penances for the case for which Prâjâpatya is prescribed by YÂJÑAVALKYA.

(*w*) S. reads *Pañchagavyâśasya*, but it ought to be *pañchagavyâśaktasya*.

(*x*) S. has *Śakrit*, cowdung.

as dead; or refer to the case where (a cow) dies on account of the disease caused by (a man's) terrifying her on an impassable place.

545. All this that has been described above refers to the case (where the act is) unintentional. When, however, one intentionally slays a cow which is in this (very) condition, is owned by a Brâhmaṇa who does not possess any merits, and is (herself) devoid of special qualities, then the three (courses of) vows (of penance) have been laid down by MANU as, subsisting on gruel for one month, partaking of Haviṣyas at every fourth (meal) time for two months, and subsisting on vegetables and the like for three months followed by making over (in gift) of (ten) cows (with a) bullock (as the) eleventh. Thus (he) says: "He who has committed a minor offence by slaying a cow (or bull) shall drink during one month (gruel of) barley-grains; having shaved off all his hair, and covering himself with the hide (of the slain cow), he shall live in a cow-house (XI. 108). For two months he shall eat a small (quantity of food) without any factitious salt at every fourth (meal) time, and bathe in the urine of cows, keeping his organs under control (XI. 109). During the day he shall follow the cows and, standing upright, inhale the dust (raised by their hoofs); at night, after serving and prostrating before them, he shall remain in the (posture called) Vîrâsana (XI. 110). Controlling himself and without envy, he shall stand when they stand, follow them when they walk, and seat himself when they lie down likewise (XI. 111). (When a cow is) sick, or is threatened by danger from thieves, tigers, and the like, or falls, or sticks in a morass, he shall relieve her by all possible means (XI. 112). In heat, in rain, or in cold, or when the wind blows violently, he shall not seek to shelter himself, without (first) sheltering the cows according to his ability (XI. 113) He shall not say (a word) if a cow eats (any thing) in his own or in another's house, or field, or on a threshing floor, or if a calf drinks (milk) (XI. 114). The slayer of a cow who serves cows in this manner, removes after three months the guilt which is incurred by killing a cow (XI. 115). But after he has fully observed the vow (of penance), he shall give to (Brâhmaṇas) learned in the Veda ten cows and a bull, (or) if he does not possess (so much property) he shall offer to them all he has" (XI. 116). These three should be understood to respectively refer to the same three vows (of penance) prescribed by YÂJÑAVALKYA, (namely,) performing Prâjâpatya for one month, subsisting on Pañchagavya for one month, and fasting for three days and giving away (in gift) (ten) cows together with a bullock (which forms) the eleventh.

Penances for intentional cow-slaughter.

Three alternative penances prescribed by MANU.

But (there is that vow of penance), which, by AṄGIRAS, after having stated the vow (of penance) for three months as has been laid down by MANU, has been stated as additional as, "At every sixth (meal) time he

should partake of food which (consists of) an astringent (substance), but contains neither pungent things nor salt. Or he might meditatively repeat Gomatî Vidyâ, the syllable "Om," or even the Veda. He shall wear a staff as part of the vow and also the sacred girdle to the recital of the Mantra;" and this refers to the same case as that (referred to) by MANU (y). 5

Additional portion prescribed by AṄGIRAS.

546. Similarly should (the penance) be reckoned in (a case where a cow) possessing any special virtues, such as fulness of the body, youthfulness, and so on (is killed). For in (the case of killing a) cow, which is 10 wanting in fulness of the body, youthfulness, etc., (only) half of the penance is laid down (thus): "A twice-born man who has slain (a cow) which is too young (z), too reduced, too old, or too much suffering from disease, shall in the manner prescribed above, observe half the vow of penance." 15

Penance when the cow was specially good is twice that when it is devoid of qualities.

547. But when he intentionally kills a cow to which the mere class (name) applies and which is owned by one who possesses no (particular good) qualities, and (the killing of) which forms the subject of the topic of YÂJÑAVALKYA'S laying down a vow of Atikṛichchhra 20 (penance lasting for) one month, then according to the maxim, "Whatever is laid down (in the case) of unintentional (acts) twice that does come in if out of intention," the very vow of Atikṛichchhra (penance lasting for) one month and prescribed above (with reference) to an unintentional act should be performed doubly. 25

Intention brings in twice the amount of penance prescribed when there was no intention.

548. And (there is the text) of HÂRITA, who, after having described (in the) same (way) as MANU the details (to be observed) as, "He who has killed a cow shall cover himself with her hide the tail being turned upwards *etc.*" and goes on to say, "He is after making a gift 30 of (ten) cows (along with) a bull (forming the) eleventh, is purified at the thirteenth month," and that (penance) should be understood to refer to the case of unintentionally killing a cow belonging to a Śrotriya engaged in a sacrifice. Next, (there is the text) of VASIṢTHA which lays down the performance of a Kṛichchhra or Tapta Kṛichchhra 35 (lasting) for six months as, "If he kills a cow, he shall perform during six months, a Kṛichchhra or a Tapta Kṛichchhra dressed in the raw hide of that

One year's penance for unintentional killing of a cow of a Śrotriya engaged in a sacrifice.

Two other penances lasting for six months and referring to the same case.

(y) This is the reading which is adopted unanimously. But S. notices a reading, '*viṣayam eva puṣṭi etc.*' in which case the translation would be, 'and this refers to the very same case as that (referred to) by MANU, and it must be understood that that is the penance where the cow killed possesses any special virtues *etc.*' In a way this makes some difference between the case as referred to by MANU and the present one.

(z) S. has *ativâlâm*, long-tailed (?).

(cow) (XXI. 18); and he shall give (to a Brâhmaṇa) a bull and a cow" (XXI. 22); and also (there is the text in which it is laid down) by DEVALA, "He who has killed a cow (is) absolved (from that sin) after being dressed in her (raw) hide for six months (*a*), living in a cow-pen, and moving with (those) very cows," both of them refer to the same case as that (pointed out above) by HÂRÎTA. 5

A penance lasting for three years where the above is done intentionally.

(With regard) to that very case where the act is done intentionally it should be noticed that (the penance lasting) for three years (and) described by KÂTYÂYANA (holds good): "He who has slain a cow shall dress himself in her hide and shall either live in a cow-pen, or, again, follow the cows always, observing silence, (and attended) by (the assuming of) Vîrâsana (*b*) (posture) etc. The (cows) that are afflicted by rain, cold, sun, distress, fire, morass, or fear he shall by all efforts release, (and is thus) purified in three years." 10 15

ŚAṄKHA prescribes another penance for the same case as KÂTYÂYANA.

(There is) also (the penance) which is (laid down by) the text of ŚAṄKHA (as lasting) for three years, "And a quarter (of the typical penance lasting for twelve years) shall be performed for having slain a Śûdra and for approaching a woman in her courses likewise; and so (should it be observed) for having slain a cow, and likewise for approaching another's wife," and even that refers to the same case as that vow of (penance prescribed by) KÂTYÂYANA. 20

Next after having laid down the same details (of observance) as AṄGIRAS, (a text has been) stated by YAMA prescribing a pair of penances (both) lasting for two months, and (one) coupled with (a gift of) one thousand cows and (the other) with (a gift of) one hundred cows thus: "Having without a blemish observed the vow (of penance), he shall make a gift of one thousand cows or even one hundred; and if he cannot command (so many), he shall respectfully offer all that he has to those (that are) learned in the Vedas." And with regard to these (penances the following must be noticed): Of these (two courses of penance) when one 25 30

Two months' penance and a gift of one thousand cows where an audacious rich man slays a cow of extra special qualities reserved for sacrificial purposes.

who has no (particular good) qualities and is rich, does out of effort (*c*) slay with a sword or the like, a cow which is owned by a Śrotriya engaged in a sacrifice or the like (persons), or (owned by) a Brâhmaṇa who has no means (of subsistence) and is surrounded by a large family; (which is) a Kapilâ; (which is) kept to help a (religious) rite; (which is) pregnant; or (which) has special virtues as yielding plenty of milk, youthfulness, etc., then he shall observe 35 40

(*a*) S. has *gogrâsâhâro*, subsisting on the cattle food, extra here.

(*b*) S. has *chîrâsanâdibhiḥ* (covering himself in) bark cloth (assuming) *âsanas* or sitting postures, etc. (?).

(*c*) S. reads *sapratijñaṃ*, avowedly.

(a vow) of (penance lasting for) two months along with (the gift of) one thousand cows. For in the (text) of BṚIHASPATI (which says), "Having killed with a sword or the like a cow which is pregnant, (which is) a Kapilâ, (which is) a milch-cow, (which is) kept for the purposes of Homa, or (which is) of a good nature, one shall observe double the vow (of penance)," an 5 increased penance is shown where the cow has special qualities. It is with this very view that in (the text), "He makes himself (liable to the penance of) a Brâhmaṇa-slayer for having slain a pregnant woman, a pregnant cow (*d*), a boy, or an old man," the penance for slaying a Brâhmaṇa is extended (to this case also) by PRACHETAS keeping in view the 10 slaughter of this very sort of cow. And the second (course of penance),

Two months' penance and a gift of one hundred cows for the same case as KÂTYÂYANA prescribes.

on the other hand, (prescribed) by YAMA (as lasting) for two months and coupled by the gift of one hundred cows, is to be understood to refer to the same case (as is prescribed) by KÂTYÂYANA, where (the 15 slayer is) a rich man.

And next, (there is this) which (runs as follows), "(The penance for killing) cow is the same as for (the murder of) a Vaiśya" (*e*), (whereby), after having laid down (a penance of) Brahmacharya described above,

Three years' penance and a gift of one hundred cows and a bull where a cow of extra special qualities and reserved for sacrificial purposes is unintentionally slain.

(which is to last) for three years and is in addition 20 to the (making of a) gift of (one hundred) cows (with) a bull (forming) the one hundred and onth (as referring) to the case of slaying a Vaiśya, (that very penance) is extended by GAUTAMA to the killing of a cow. Even this, inasmuch as that 25 (one hundred) cows (together with) a bull (forming the) one hundred and onth along with the ninety cows (the gift of) which might stand as a substitute for the (typical) vow (of Brahmacharya penance) (lasting for) three years, make nine less than two hundred (in all), is less than the vow (of penance) lasting for two months and followed by (the gift of) one 30 thousand cows, and, therefore, refers to (that) case itself described above, where the slaying is unintentional. Or else it may be taken (to hold

Or intentionally when she is not pregnant.

good) in that very case where a cow which is not pregnant is slain intentionally. And even in the 35 case of killing (a cow) of that very sort, but (only)

The penance laid down by KÂTYÂYANA when she, not pregnant, is killed unintentionally.

not pregnant, unintentionally, the very (penance prescribed) by KÂTYÂYANA (as lasting) for three years should be prescribed.

Further, (there is this) which is stated by YAMA as, "When cows are 40 hit by a stick, a lump of earth, a stone, or even weapons how is the penance prescribed there when (hitting is) with a weapon or (when it is) not with a weapon (*f*)? For hitting (her) with a stick Sântapana Kṛichchhra

(*d*) S. omits *gogarbhiṇîm*, a pregnant cow, which is quite necessary here.

(*e*) GAUTAMA III. IV. 18.

(*f*) S. reads *śastre-śastre*: It ought to be *śastre-(a) śastre*.

shall be performed, but a Prâjâpatya for [hitting (her) with] a lump of earth, while a Tapta Kṛichchhra (shall be performed if it is) with a stone, and next (when she is hit) with a weapon, an Atikṛichchhra (shall be performed). Then, when the penance is gone through, feeding of Brâhmaṇas shall be undertaken, and thirty cows and a bull shall be given as presents to 5 them," and that tends, with reference to the same cases (as for which are prescribed) the above said gifts of one thousand, one hundred, etc. cows and penances (lasting) for three years etc., to lay down, that (what is said therein) is to be preceded by a Sântapana (Kṛichchhra) consequent upon the slaying brought about by the particular means (adopted), a stick, etc., 10 and (does) not (tend to prescribe) an independent Sântapana, for (if it were, that) vow (of penance) is light (indeed).

Half the penance when the cow killed is very old, emaciated, young, or diseased.

549. Similarly having regard to the peculiarity of age also (of the cow) a particular (form of) penance has been prescribed: "Having slain (a cow) that is very old, very emaciated, or very young, or is suffer- 15 ing from diseases, a twice-born (person) shall in the manner prescribed above, observe only half the vow (of penance): He shall feed the Brâhmaṇas according to his ability and likewise present them (with) gold and sesamum." (That is to say), (the penance is) 20 half of what it is when a cow which is free from disease etc. is killed. A special (rule) has been prescribed even by BṚIHAT-PRACHETAS (thus): "If (a calf) one year (old) is killed without (any) intention, a fourth (part) of a Kṛichchhra is (laid down) in the case of (that) man, while if it is two years (old) (it is) 25 two-fourths; if three years (old) (it is) three-fourths, and a Prâjâpatya shall be (the penance) thereafter."

The penance is one-fourth, half, and three-fourths when the calf is one, two, and three years old respectively.

Penance for killing the fœtus along with the mother.

550. Similarly in the (case of) killing a pregnant (cow), when even the fœtus becomes destroyed, then if according to 30 the maxim, "What is occasioned (by a cause) repeats itself with each (recurring of the) cause (occasioning it)," double the vow (of penance) would generally come in, a special rule has been prescribed in the Ṣaṭtriṃśanmata (thus): "If the conception has (just) taken place (it is declared that) the 35 vow (of penance) is one-fourth (of what it is for killing a cow), but if it has reached a developed stage (it is) two-fourths, while for having killed a fœtus, which is not yet quickened, (it is) three-fourths. If the limbs with (all the) minor limbs are developed, and the embryo has got a life (of its own), one shall perform a double vow (of the penance) for (killing) a cow, 40 and this is the expiation for the slayer of a cow."

551. But when the slaughter is accomplished by several persons, SAṂVARTA and ÂPASTAMBA prescribe a special (rule): "If by chance, a certain (cow) is in any case killed by several (persons), they shall every

one (of them) perform severally a fourth part (of the penance) prescribed for the slaughter." Whatever vow (of penance) is prescribed for killing a particular kind of cow, a fourth part of it they shall severally perform, for the text (says to that effect). "If a certain (cow)" is a synecdochical expression. 5 Hence where two or a plurality (of cows) are killed by several persons, then it should be prescribed (that the penance is) two-fourths, or three-fourths (*g*) (as the case may be).

Several persons unintentionally killing a cow shall each perform a fourth part of the penance.

And it should be observed that this refers to a case where the killing is unintentionally (done), for the (adverbial) 10 adjunct "by chance" is employed. But in the (case of an) intentional act, as the entire sin would affect every one of even those many, it is but proper that the entire vow (of penance) should attach (itself individually) to their case. For as (in the case) of Sattrins there is the 15 connection of the entire action with regard to every man (*h*); and because in (the text), "Also (in the case) of many who strike one, the punishment

Each makes himself liable for the whole penance of the cow-slaughter if there is intention on the part of each.

(*g*) Notice how the plural has its purpose served by three. *Vide* note (*m*), p. 67, *ante*.

(*h*) The text says "Those that are desirous of prosperity should perform a Sattra." Another text adds, "No less than seventeen (persons) and no more than twenty-four (persons) shall perform a Sattra (sacrifice)." Thus there being no less than seventeen persons engaged in the act of sacrifice, the question is whether every one of the persons engaged is entitled to the whole merit of the sacrifice or if the reward that is settled for the sacrifice is to be distributed among all of them so that they all get their respective fraction. The argument for the objection is this: A single man is not able to perform a sacrifice which can only be achieved by several persons. It should be taken that a certain multitude of persons forms the set of doers and they are also persons who try to secure the merits. There is no reward to one who is not a doer, nor is one described as being a doer in himself. Therefore, the reward belongs to all the doers collectively, and each is entitled to his own particular fraction. The argument for the reply is this: The Sûtra says that "as the object of each person is to achieve a single purpose each one is entitled to the reward." The text says that the purpose of the sacrifice is to attain prosperity, and that becomes capable of bringing its reward only when it is undertaken by several persons. And thus one who is desirous of obtaining the full merit thereof goes to another, who is equally desirous of obtaining the full merits, and says, 'You too become my coadjutor in the sacrifice I am about to perform. The reward comes to you as well as to me. Or else, there is no reward to either of us as the Śruti text says that it requires a set of doers to achieve the reward.' So they join together and undertake the sacrifice hoping to gain the reward independently.

Another objection is that it is not possible that every one can be a principal doer in an act, for such a thing is not observed anywhere else, and besides it can elsewhere be seen that the Ṛitviks are not at all principal doers, they all being subservient to the Yajamâna or the author of the sacrifice. This is replied to as follows: It is not inconsistent inasmuch as it resembles the viewing of an object simultaneously and completely by several persons. For example, any number of persons can see a horse or an elephant that way, and all enjoy the sight equally. It is true that when the act is done by one, a second person can have no such claim to it, and, nevertheless, such a thing is still possible where the principle of Tantra or the performing of an act in the interests of

is (with regard to each person) double that of what has been thus described" (II. 221), that it is severally double is also seen with regard to the punishment.

552. But when by a single man alone several cows are slain by confining them or the like (means), SAṂVARTA and ÂPASTAMBA lay down (a) special (rule) with reference to that (case): "(In a case) where several (cows) are slain (by a single person) by confining them or even by tying them by (such) ropes (as are not suited), or also (when) a physician (slays them) by wrong treatment, the offender shall perform twice the vow (of penance)." Although several (cows) are killed, yet there is no (such thing as a necessity of observing the (occasioned) penance (in full) with reference to each (killing which forms the) cause, nor is a single performance (of the penance sufficient as an expiation for all) (*i*), but on the strength of this text, the penance is only double (and not anything else).

Whatever be the number of cows killed by one man, the penance is only double.

Similarly by an administering of wrong medicines although several (cows) are killed unintentionally, even the physician shall observe twice the vow (of penance). And (with regard) to him who is not a physician but appears (to do service) out of sheer kindness and happens to give an unsuited medicine, VYÂSA says (as follows): "Medicines, and also salt, and food even for the purposes of charity shall not be offered more (than what is necessary) but only a small quantity should be offered at the (proper) time. In case

Penance is twice for him who administers wrong medicines.

Medicine, salt, and food should be offered only in small quantities at the proper time.

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many is recognized. The same idea holds good with reference to the present sacrifice also. When the Adhvaryu offers the Havis into the fire, it is possible that the rest can also enjoy at that very instant the reward of having themselves offered it. It may be asked what the authority is that all of them are the principal doers, and the answer is that it is the text itself which lays down the Sattra sacrifice, the use of the plural there affecting the number of the doers. But in the case of Darśapûrṇamâsa and the rest which are laid down by such texts as *Darśapûrṇamâsâbhyâṃ yajeta*, one shall offer a Darśa ('new moon day') and Pûrṇamâsa ('full moon day') sacrifice, the singular that is employed establishes that the principal doer is only one individual, and the number suggested by "(There shall be) four Ritviks," a text the use of which arises subsequently, cannot affect the singular found in the very text which lays down the sacrifice itself and is, therefore, inviolable. Therefore, in the case of Darśapûrṇamâsa it results that the Ṛitviks are but secondary persons while in the present case they are all as many individual doers and they all are entitled to the full merits of the sacrifice. See JAIMINI VI. ii. 1-2.

The application of the principle to this: Every one of the persons engaged wills the act and is interested in the result. He only takes the help of others who are equally interested, for otherwise, the result itself is not possible, and no one can have his object served. Thus each, whatever his share in the act may be, is the principal doer, and makes himself liable for the entire penance.

(*i*) The original uses the word 'Tantra.'

that more (than what is necessary) is offered and death results (out of it), it is laid down (that the penance is) a fourth (part) of a Kṛichchhra."

553. Next (there is this) statement of ÂPASTAMBA which (says), "In a (case of) confining (*ii*) a fourth (part of the penance) shall be 5 observed, and two-fourths in the case of tying (them by an unsuited rope). And in case of abetting (slaughter) three-fourths of it is (the penance), and in killing the whole of it should be observed," and that should be understood to refer to (the case of) one who is not prominent, (that is,) to a participator in the act 10 by influencing it, and not to him who does it directly. The difference between (the penances to be observed by) a direct doer of the act and (also by) him who influences it is shown (thus) by that very (authority): "Indeed those who knock down cows too forcibly with 15 stones, cudgels, weapons, or anything else shall observe the entire vow (of penance); and so also by breaking the foreleg, knee, thigh, flank, neck, and foot." What is (intended to be) conveyed is this: They are the slayers direct who knock down the limbs by means of stones, swords, or the like, or (also) by breaking the neck or the like (acts), and the penance 20 in (its) entirety refers to such (persons) alone. But those who had to do with the indirect acts of confining, tying (by an unsuited thing), etc. are (persons) who influence (her death), and the complete (course of the) vow (of penance) does not attach itself to their (case), and (they are affected) by portions only of it, such as a fourth part, half, and so 25 on. Even in that (case) although confining etc. (*j*) are not in any way different from the indirect acts (bringing about the death of the animals ultimately), yet it is proper (to hold) that on account of (the fact that there is) a text (to the effect), (the penance is (to be taken to be) a fourth part in some cases, half in some others, and three-fourths in 30 the rest. Says PARÂŚARA on this (point): "If, by tying or passing a rope through their nose, there occurs the death of cows not expected (by the person), then the penance of Prâjâpatya should be prescribed (in the case) of that man who has committed sin unintentionally. When the penance is gone through, Brâhmaṇas should be fed next, 35 and a cow along with a bull should also be made over as gift to a Brâhmaṇa."

Full penance for him only who is the direct slayer, and he who influences death shall perform only a quarter, half, etc., as the case may be.

(*ii*) The original word is 'Rodha' which has been translated here as confining. But BÂLAMBHAṬṬA seems to take a particular view that consists in confining for the purpose of protection at nights and preventing the animals from wandering out. We cannot settle the point as the only Ms. of Bâlambhhaṭṭî in our possession does evidently contain some clerical mistake, so peculiar that any conjecture with regard to the right reading cannot be safely made.

(*j*) G. and N. have *rodhâdinâ* here; and that ought to be *rodhâdinâm*.

554. Also it should be noticed that this Prâjâpatya holds good (only) then, when one, after having effected confining etc. has remained anxious to avert the mistake arising therefrom, for it has been expressly stated (in the above text) as, "[Prâjâpatya should be 5 prescribed (in the case)] of that man who has committed sin unintentionally." But where he cannot remove (*k*) the (effects of the) mistake, then he should undertake a quarter of that vow (of penance, which is prescribed) for cow-slaying and lasts for three months, (that is to say, his penance is to last) for something more than twenty days (*l*) as it has been laid down 10 by AṄGIRAS (thus): "In the (case of) confining a fourth (part of the penance) should be observed, and two-fourths in the case of tying (them by an unsuited rope). And in the case of abetting (slaughter) three-fourths of it is (the penance), and in killing the whole of it should be observed" (*m*). 15

Lighter penance only if he tries to avert the accident resulting from the mistake.

555. A special case has been pointed out by ÂPASTAMBA also: "By excessive branding and excessive loading, and likewise by piercing the nose, or in being kept close to a river or in a mountainous region if death occurs then three-fourths of the (full penance) 20 shall be observed (by the sinner concerned). And if branding is intended only for the purposes of marking, then there is no sin (of violating the rule). For says the text of PARÂŚARA: "In cases other than branding and marking, in riding, in removing the yoke and also for the purpose of protection in the evening, confining and tying are not productive of sin." 25 Branding is making a lasting mark while marking is to make a suited (temporary) impression. "In riding" (means in riding) in the way laid down in the Śâstras. Although it is for the purposes of protection yet if the animal is tied by cocoanut etc. (ropes), there is certainly sin. For says the text of VYÂSA (thus): 30 "Neither by a cocoanut (rope) nor (a rope of) hempen fibres, nor even by a Muñja rope (should a cow be tied). By these a cow should not be tied and when (one has) tied (her so) he shall wait with a hatchet in the hand (to cut the tie off). They should be tied by (ropes of) Kuśa and Kâsa (grass) in a place free from 35 harmful matter."

Three-fourths of the penance for causing death by means of unsuited ropes etc.

No harmful ropes even for protection.

Ropes only of Kuśa and Kâsa allowed.

556. Similarly even another special (rule) is enunciated by that (VYÂSA) himself: "Where, by the bells and ornaments doing harm, there occurs death to a cow, (the penance) in that (case) is described to be half a 40

Half a Kṛichchhra where death is caused by ornamental bells, etc.

(*k*) S. reads *pramâda-saṃrakṣaṇam*, protection from the accident of mistake.

(*l*) Of the various readings the one adopted here, *traimâsika pâdaṃ Kiñchidadhika* etc.

(*m*) This is cited above as being the text of ÂPASTAMBA.

Kṛichchhra (n). For it is declared that (all) that (is intended) for the purpose of decoration. But where it dies by excessive branding and excessive beating, by making it walk (too much), also by yoking it or by being tied by chains and (unsuited) ropes, he shall perform three-fourth of that penance." 5

557. If there is negligence inasmuch as it is not nourished (properly) etc., particular penances referring to certain (such) cases have been laid down by that (VYÂSA) himself: "If it is drowned in a puddle full of water, or if it is struck by lightning, or if it accidentally falls into a 10 chasm, or even if it is eaten away by a beast of prey, then the master of the cow shall perform a Kṛichchhra as the best of the penances. If it is destroyed by cold and wind, or is dead even on account of being tied up, or if it is neglected in a deserted house, a Prâjâpatya (penance) should be prescribed."

Kṛichchhra and Prâjâpatya for certain forms of negligence though one is free.

But this should be understood (to hold good) when negligence (is 15 shown) when he is free from other affairs. And when that negligence (results) out of being occupied with other affairs, it is half. For says the text of VIṢṆU, "When it dies (by drowning in a) puddle of water, or is killed by beasts, tigers, beasts of prey, and so on, or when it dies by 20 falling into a chasm (or being stung by) serpents, and so on, he shall perform half a Kṛichchhra. But if it dies by not being nourished, or being kept in a deserted house, then the (penance shall be a) Kṛichchhra."

Half the above penance when negligence is the result of his other occupations.

558. Similarly although death occurs through (the instrumentality of) another, yet in certain cases where he has em- 25 ployed himself (that way) out of motives of doing good there is no sin as a text (runs to the effect). Thus says SAMVARTA: "In an operation for the purpose of treating a cow's disease, or when efforts are made to remove a dead fœtus (from her womb), if death occurs, then he is not tainted by the sin." An operation 30 is the applying of tongs, hook, or the like (instruments) for the purpose of (surgical) treatment of a disease. Similarly (there is the following passage): "(When a) twice-born man is giving a medicine, oily substance, or food to a cow or a Brâhmaṇa, if death takes place on account of his giving it (to them) he is 35 not tainted with sin." Similarly (there is this): "For those who (in the case of) Brâhmaṇas, as well as for the purpose of doing good to the cows, (try to) benefit them by (such expedients as) branding, incising, or cutting a blood vessel there is no (such thing as) penance when undesirable results happen" (o). Even 40

There is no penance if he kills in honestly trying to do good.

No penance for unexpected and undesirable results in feeding and medical or surgical treatments.

(n) S. reads *go-kṛichchhrârdham*, half the Kṛichchhra prescribed in connection with cow-slaughter (?).

(o) There is some difference in the order of this passage in different editions. Some contain a *tathâ* in one or two places, while other ones omit it. Anyhow the idea is practically the same.

PARÂŚARA says on this (point): "When they are killed by the arrows while the village is being besieged or when they die by the (sudden) collapsing of the house, or when they are killed by excessive rains, there is no penance."

There is no penance if a cow's death is caused by accidental or uncontrollable causes.

Similarly (there is this): "When she dies by (falling into) a well dug for charitable purposes, or also by the house being burnt, or likewise in a terrible burning of the village, there is no penance. 5

559. But this refers (to the case) of a cow which was not at all restrained, and dies when the house etc. do somehow catch fire. And (if it is) in a contrary case (a penance has been) prescribed by ÂPASTAMBA: "If there, (that is,) in the woods, or in inaccessible places, or when the house catches fire, or also on threshing floors, the death (of a cow) occurs, it is laid down (that the penance is) one quarter (of the whole of it)." 10 15

If the cow had been restrained at the time of accident etc. there is a quarter of the penance.

560. In the same way when a bone or the like is fractured, and there is no death at all, a penance is prescribed in some cases: "Having caused the fracture of a bone of cows, having likewise cut off their tail, or by drawing out their tooth, or cutting off their horn, one shall (live) for half a month by drinking barley-gruel." Next (there is the text) of AṄGIRAS which (says), "Or for having broken (her) horn, tooth *(p)*, or a bone, or even for having removed her skin (in any part of the body), one shall drink Vajra for ten (days and) nights although the cow (continues) to do well." And here subsisting on milk etc. is laid down as is signified by the term 'Vajra,' and it refers to the case of one who is not able (to undertake any harder penance). 20 25

Subsistence on barley-gruel for half a month for causing a fracture in bone, etc.

Living on milk for ten days in case of inability.

561. Next, this penance should be performed only after having given to the master of the cow a cow which resembles the slain one (in all respects). Thus says PARÂŚARA: "For having killed living beings, one shall give (to the owner of it an animal) exactly resembling the (slain) one, or he shall give an amount suited to its price. Thus says YAMA." MANU also has: "He who does injury to the property of another, intentionally or even unintentionally, shall satisfy him (with an equivalent thereof) and also pay to the king (as fine) an amount equal (to its value)." 30 35

The penance to be performed having made good the loss of the owner.

The same holds good when damage is caused to any property intentionally or unintentionally.

562. Now (all) this group of the penances described above should be understood to refer to a Brâhmaṇa alone (who happens to be) a slayer. With reference to a Kṣatriya and the rest, a special (rule) has been laid down by BṚIHAD-VIṢṆU: "If he is a Brâhmaṇa the 40

Full penance for a Brâhmaṇa, three-fourths for a Kṣatriya, half for a Vaiśya, and a quarter for a Śûdra.

(p) S. leaves out the word for tooth and makes up the line other how.

whole (of the penance) should be prescribed, and it is declared (only) three-fourths in (the case of) a Kṣatriya. It is enjoined that it is one-half in (the case of) a Vaiśya, while it should be one-fourth in (the case of) those (of) Śûdra (caste)." But (there is the) text of AṄGIRAS which (says), "What constitutes a Parṣat (in the case) of Brâhmaṇas, it is declared that it should be twice (in the case) of Kṣatriyas, and it is laid down that it is thrice (in the case) of Vaiśyas. It is given out that the vow (of penance) is also in accordance with the Parṣat," and that in the inverse order (of the Varṇas) refers to (the case of) abuse, assault, and the like.

Half the penance for women, boys and old men, and a quarter to an uninitiated child.

563. Similarly what has been said above that (the penance) is half in the (case of) women, boys, and old men, and also (that it is) one-fourth in the case of a boy who has not yet been initiated (into Brahmacharya) should be taken into consideration (here also).

No complete removal of hair for women in the case of any penance.

564. A special (rule) has been laid down by PARÂŚARA (with reference to the case) of women: "(In the case) of women there is no shaving (of the head) at all, no following (of the cows), (no) meditative repetition (of the Mantra) and the like, and no sleeping in a cow-pen (in) their (case), nor should they cover themselves with the cow's hide. All the hair should be taken together and two finger (breadths) should be cut off (at the end). It is declared that in all cases (of penance) the shaving off of the head is thus alone (in the case) of women." A special rule is pointed out by SAṂVARTA in (connection with) men: "Where (the penance is only) a quarter, the shaving is only of the hair on the body, and where (it is) half even moustaches (should be shaved off) in addition. When (it is) three-fourths all but the hair on the crown (should be removed), and even the hair on the crown when there is an actual killing."

Complete or partial shaving for man according to the portion of the penance.

(In the case) of one who is liable only to a fourth part of the penance, the shaving is only of the hair on the part of the body below the neck. But in the case of one who is liable to half the penance (there should be a shaving) of even the moustaches and beard. Next in the case of him who is liable to three-fourths of the penance, even the hair on the head with the exception of that on the crown (should be shaved off). And (lastly), with regard to him who is liable to complete penance, the whole system of hair including that on the crown (shall be shaved off).

Thus in the light of this hint, cases to which even the other Smṛiti texts refer should also be ascertained.

Thus ends the Topic on Penances for Cow-Slaughter.

SECTION XII.—PENANCES FOR HAVING REMAINED A VRÂTYA.

565. (The sage) now (proceeds) to lay down the penances for other minor sins:

CCLXV. Purification from a minor sin can be attained thus or by (performing a) Chândrâyaṇa, or even by (subsisting on) milk for one month, or, otherwise, by a Parâka. 5

Penance for minor sins is the penance for cow-slaughter, a Chândrâyaṇa, subsisting on milk for one month, or a Parâka.

Thus, (that is,) by (following) the vow (of penance prescribed) for cow-slaughter in the manner described above, (that is to say,) by subsisting on Pañchagavya for one month and the like, purification can be attained 10 from other minor sins (namely,) the condition of remaining a Vrâtya and so forth. Purification might (also) be attained by (performing a) Chândrâyaṇa the nature of which will be described, or by (taking) a vow (to subsist) on milk for one month, or by a Parâka. 15

Here on the strength of the extension (of the penance for cow-slaughter to these cases), it is understood that (the penances for) certain (sins) not equal to cow-slaughter fall short of (that for slaying a cow) by (that portion of the vow of) wearing the hide of the (slain) cow, rendering service to cows, and so on. 20

The above penances for unintentional acts.

566. And this set of four penances, it should be noticed, refers to an act unintentionally (committed) and (suggests) alternative (courses) with reference to the ability (of the expiator). But where the act (is) intentionally (committed), it should be observed (that the penance is) the one lasting 25 for three months and laid down (thus) by MANU: "The twice-born (persons) who have committed minor sins, with the exception of a Brahmachârin who has committed an act of incontinence, shall, for the purpose of purification, perform this very penance or even a Chândrâyaṇa" (XI. 117). It 30 should be understood from this very text that there is an extension of this penance in general to all the (sins) mentioned in the category of minor sins, leaving out (the case of) a Brahmachârin who has committed an act of incontinence, whether (any special) penances for (those sins) are laid down or the (special) penances 35 are not laid down. But in the case of a Brahmachârin who has committed an act of incontinence, (the penance is only) that which has been expressly stated (with reference to that act, and this general form of penance is not extended to that case).

A three months' penance laid down by MANU or a Chândrâyana,—a general form of penance for all minor sins.

567. (An objection). Well, it is proper (to hold) that the extension 40 (of the general form of penance) is only to such cases for which (a separate) penance has not been laid down, for, in the other case, there results the fact (that the extension of the general form of penance)

necessitates a cancelling of the penances that are expressly laid down (for those respective sins).

(Answer). It is not so. If that had been the case, the mentioning under the category of minor sins of such sins as for which (separate) penances have been laid down would have been useless. If for (a sin) which 5 is mentioned only in its general aspect under the category of minor sins, a different penance is prescribed elsewhere by specializing that (form of sin itself) as, (for example), "officiating at the sacrifices of those unfit for sacrifices" (III. 237) (occurring in the category of minor sins in its purely general aspect) and (a penance being mentioned by the text), "He who conducts the 10 sacrifices of the Vrâtyas and also he who employs spells for the extirpation of (his) enemies shall perform the three Kṛichchhras" (III. 288), then that very form (of sin which is mentioned without any particularization) is left out of consideration, but not also that which is mentioned with an actual particularization (in the category of minor sins) and for which the penance 15 also is described with particular references, as (for example), "cutting down a tree for the purposes of firewood" (III. 240) (occurring in the category of minor sins with a particularization) and (the penance being mentioned by the text), "For having cut down trees, shrubs, creepers, and spreading creepers, a hundred times shall the Ṛiks be meditatively 20 repeated" (III 276) (*q*). Hence by construing that set of four penances laid down by (this text), "Purification from a minor sin can be attained thus *etc.*" as referring to the same cases as the penances noticed with

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(*q*) The resume of the above sentence is this: There is a category of minor sins. Under it is mentioned a sin in perfectly general terms, as for example, the sin of 'conducting the sacrifices of those unfit for sacrifices.' Elsewhere a penance is mentioned corresponding to it, but in a specialized form. For example, the text, "He who conducts the sacrifices of the Vrâtyas and also he who employs spells for the extirpation of (his) enemies shall perform the three Kṛichchhras," mentions a penance not for the sin of conducting the sacrifices of those unfit for sacrifices in general, but for conducting the sacrifices of Vrâtyas who form a particular set of people unfit for sacrifices. Therefore, this penance does not refer to every sort of such sin. Next there is "cutting down a tree for the purposes of firewood." Here the sin of cutting down a tree is mentioned with the particularizing expression "for the purpose of firewood." Further, the text, namely, "For having cut down trees, shrubs, creepers, and spreading creepers, a hundred times shall the Ṛiks be meditatively repeated *etc.*"—further portion of this shows if the tree etc. is cut for no sacred purposes—lays down the penance not for merely cutting down a tree, but for cutting it down for no sacred purposes, thus specializing it. Therefore, this must refer to that sin coming under the category of minor sins.

Thus it is possible that, the minor sins being tabulated in a particular place and the penances mentioned elsewhere, either the penances may not refer to every case of the sin or they may refer to every case. Thus it cannot be taken that this extension of the penance refers only to such cases as for which the penances have not been prescribed. Therefore, as the only result, these penances along with those respective penances thus prescribed form as many alternatives, or they may be taken to apply to particular phases of the corresponding sins.

reference to the condition of remaining a Vrâtya and so on, (whether it is) in these Institutes or in any other Institutes, it should be taken that either they are (as many) alternatives or they should be distributed according to the (nature of the) case. And those penances noticed in the other Smṛitis, we shall in the order of mention (of the sins) settle with reference to the (condition of being a) Vrâtya and so on. 5

568. Among those (sins) with reference to the condition of being a Vrâtya the following has been stated by MANU: "Those persons (of) regenerate (classes) to whom Gâyatrî has not been imparted in due accordance with the rules shall be made to perform three Kṛichchhras and be initiated (into Brahmacharya) with due regard to the rules" (XI. 191). (There is) also (the text) of YAMA which (says), "He who is forsaken by Sâvitrî for ten and five years (together) shall shave off (his hair along) with that on the crown, and observe the vow (of penance) with self-restraint. And for twenty-one (days and) nights, he shall drink gruel of only one handful of barley (a day) and with materials (fit) for sacrifices he shall feed seven or five Brâhmaṇas. Then when he has thus purified himself by (subsisting on) barley-gruel it is declared (that there should be a regular) initiation for him into Brahmacharya." Both of them (refer to the same) case as the vow of (subsisting on) milk for one month prescribed by YÂJÑAVALKYA. Next (there is) that (text) of VASIṢṬHA which says: "A man who has not been imparted Gâyatrî to, may perform an Uddâlaka-penance (r). He should subsist during two months on barley-gruel, during one month on milk, during half a month on a mixture of curds and boiled milk, during eight (days and) nights on (mere) ghee, (and) during six (days and) nights on alms given without asking, and (subsisting) on water during the (next) three (days and) nights he should fast for one day and one night. (Or) he may go to bathe (with the priests) at the end of a horse-sacrifice. Or he may perform a Vrâtya-stoma (sacrifice)" (XI. 76-9). 10 15 20 25 30 35

A penance of three Kṛichchhras for not being duly initiated.

Shaving, subsisting on a little barley-gruel for twenty-one days, etc. another penance.

Both the above penances are alternatives for one month's subsisting on milk stated by YÂJÑAVALKYA.

Uddâlaka-penance, joining the party bathing at the end of a horse-sacrifice, or a Vrâtya-stoma for remaining a Vrâtya for fifteen years.

The decision in this (connection) is this: (In the case) of him, in whose case that time suited for initiation (into Brahmacharya) has expired for want of an initiator and the like (reasons), there comes in, according to his capacity, one of the vows of (penance prescribed by) YÂJÑAVALKYA. But if that time expires though there is no distress, then (the penance is) that lasting for three months as (is) prescribed by MANU. In that very (case of there being no distress) if some time exceeding fifteen 40

Settlement of the cases to which the various penances refer.

(r) Uddâlaka-penance is of the description that follows.

years has elapsed, then there shall be (a performance of) an Uddâlaka-penance or a Vrâtya-stoma (sacrifice).

569. But (in the case) of those whose father and the rest also had not been initiated (into Brahmacharya) (the penance has been) prescribed by ÂPASTAMBA: "(In the case) of him whose father and grandfather had remained uninitiated (into Brahmacharya the penance is) a vow of Traividya-Brahmacharya for one year. But (in the case) of him whose grandfather and the rest do not remember that there was initiation (at all in their family, the penance is) a vow of Traividya-Brahmacharya for twelve years" (I. i. 32).

One year's Traividya-Brahmacharya where the father and grandfather also had not been initiated; and the same for twelve years where the grandfather cannot remember any case of initiation in the family.

Thus (ends the Topic on Penances for) the Condition of Remaining a Vrâtya (s).

SECTION XIII.—PENANCES FOR STEALING.

570. Similarly even in (the case of) stealing, a special (form of) penance which is other than that set of four vows (of penance) which comes in in common with (reference to all) minor sins is laid down by MANU (thus): "A Brâhmaṇa having intentionally stolen grain, food or property (t) from the house of one belonging to his own caste, is purified by (performing) half a Kṛichchhra" (XI. 162). He who belongs to the same caste as a Brâhmaṇa is a Brâhmaṇa himself, and, therefore, this refers to the taking of a Brâhmaṇa's (property) where the thief is (also) a Brâhmaṇa. And in the case of a Kṣatriya and the rest, a shorter (penance) is to be prescribed, for that the penance is shorter in the case of a thief who is a Kṣatriya or the like is noticed in (the following text): "The value of a property which a Śûdra unrighteously acquires by theft, must be repaid eightfold. For the other (castes) it should be doubled (and doubled) with each superior Varṇa. If a learned man offends, the punishment shall be very much increased," (u). And likewise in (the text), "If he is a Brâhmaṇa the whole (of the penance) shall be

A Brâhmaṇa stealing another Brâhmaṇa's grain, food, or property shall perform half a Kṛichchhra.

Shorter penances in the case of Kṣatriyas etc.

Punishment increases with knowledge.

(s) S. omits such conclusions on the topic.

(t) The original has *Dhânyânnadhanachauryâṇi*, where *dhana* is variously interpreted. It is also taken by SARVAJÑA-NÂRÂYAṆA to be means of earning livelihood.

(u) GAUTAMA II. iii. 12-4.

The word 'Kilbiṣa' used in the original, though literally means sin, does, yet, signify the stolen property inasmuch as it is acquired by means of a sinful act. The property acquired by theft should be paid back to the State eight times in value, and of that fine which is thus inflicted by the State, one part is to go to the owner of the lost property and the remaining seven to the State treasury. If the king, however, fails to

prescribed, and it is declared that it is a fourth part less in the (case of a) Kṣatriya, *etc.*," the penance is noticed to be a quarter and a quarter less.

571. Even in this case where there is an (unrighteous) taking of the (property of a) Kṣatriya and the rest, a lesser (form of) penance should be prescribed. Hence where the theft (consists in) an (unrighteous) taking of (the property of a) Kṣatriya, (the penance is) the vow (of penance prescribed) for cow-slaughter (and it should be observed) for six months, whereas where it is a Vaiśya's (property that is unrighteously) taken (that very penance should be observed) for three months. And where (it is) a Śûdra's (property) that is (so) taken, a Chândrâyaṇa should be prescribed.

Corporal punishment for stealing more than one Kumbha measure of grain.

572. Next, this (refers) to the case where it is (only) ten Kumbha (measures) of grain that is unrighteously taken. For that being exceeded, corporal punishment is laid down in (the following text): "For him who unrighteously takes more than ten Kumbhas of grain, (there is prescribed) corporal punishment (*v*)." And a Kumbha measures five thousand Palas. On account of their occurrence in association with (the term) 'grain,' (the two terms) 'food' and 'property' are also to be taken to amount to as much as this amount of grain. By the term 'food' is signified rice and the like, (while) by the term 'property,' copper, silver, and the like.

For unintentional theft the penance is the vow of penance for cow-slaughter for three months.

573. But this (penance) refers to an act done intentionally. And if it is unintentional, the (penance is) the vow (of penance) for cow-slaughter (to be observed) for three months. Similarly according to the text, "For carrying off men and women, (for usurping) lands

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trace the thief, then he shall have to make good the value of the lost property to the owner. See YÂJÑAVALKYA II. 33. With regard to the other Varṇas, it is to be doubled and doubled, that is, a Vaiśya is to pay it sixteen times, a Kṣatriya thirty-two times, and a Brâhmaṇa sixty-four times.

The above is the view held by HARADATTA, and on II. iii. 14, he observes : "Just as with the superiority of the Varṇa there is a superiority of knowledge, even so there is excessiveness of penalty for violating an ordained law. The offence is aggravated inasmuch as he enters upon the act although he knows the sin consequent upon the prohibition. But in the case of one who is ignorant of the ordained law there is some concession after the (application of the maxim), 'A blind man might fall into a well.'

(*v*) MANU VIII. 320. G. and N. adopt the reading *Dhânyaṃ daśabhyaḥ kumbhebhyo harato daṇḍa uttamaḥ, palasahasrâdadhike vadhaḥ,*' which means, "For him who unrighteously takes more than ten Kumbhas of grain (there is prescribed) the highest fine, and if that exceeds one thousand Palas, (then there should be) the corporal punishment." This, however, does not seem to be correct nor do the explanations of the commentators of MANU point out to such a reading. Now one Kumbha is, according to SARVAJÑA-NÂRÂYAṆA, 200 Palas, while KULLÛKA lays down that 200 Palas make one Droṇa, and 20 Droṇas make one Kumbha. Thus according to KULLÛKA one Kumbha is 4000 Palas. But VIJÑÂNEŚVARA himself says that a Kumbha is 5000 Palas. Even taking the lowest of these measurements, ten Kumbhas measure 2000 Palas, and how can that quantity for which corporal punishment is prescribed can be simply more than 1000 Palas?

or a house, and (for misappropriating) the water of a pond or well, the purification is by (performing) a Chândrâyaṇa" (*vv*), although this Chândrâyaṇa comes in in (the case of) misappropriating water obtainable (*w*) for two hundred and fifty Paṇas, it is, nevertheless, laid down in order to arrest (the application of) the other (pen- 5 ance, namely,) the vow (of penance prescribed) for cow-slaughter. For by the texts, "(In the case) of (unrighteously taking) water as well as grass *etc.*," and "(The amount of) fine is twice the value thereof" (*ww*), a fine of five hundred (Paṇas) is laid down for misappropriating water of that value, 10 because a fine of that amount and (the penance of) Chândrâyaṇa are associated with cow-slaughter and the like; and also because a fine of five hundred Paṇas is, in a case (for which a) Chândrâyaṇa (is prescribed to be performed as a penance), laid down by (the text): "Similarly (a fine of) five hundred (Paṇas) (is laid down) in (cases where) a Kṛichchhra- 15 Atikṛichchhra or a Chândrâyâṇa (is the penance to be performed)."

Chândrâyaṇa for misappropriating water to the value of 250 Paṇas.

574. Also it should be noticed that the (above-mentioned penance) refers to the cases where the property of a Kṣatriya and the rest is misappropriated. But (the following should be noticed) with reference to misappropriating of property 20 belonging to a Brâhmaṇa: "For having misappropriated a deposit, (having stolen) men, horses, and silver, (for usurping the) land, and also (for stealing) a diamond or a gem, it is declared (that the penance is) equal to (that of) stealing (a Brâhmaṇa's) gold" (*x*). 25

It aggravates theft where the property was that of a Brâhmaṇa.

575. Similarly (there is this text), "Having stolen the materials of very little value from the house of others, one shall give it over (to the owner) and perform a Sântapana Kṛichchhra for the purification of his own self" (*xx*), and by this (text) which has a particular (reference) to the stealing of tin, lead, and the like (which are) materials 30 of very little consequence, an exception (is laid down) to the penance, (which comes in) generally (regarding) theft as a minor sin. Further this penance is in (the case of) stealing tin, lead, or the like forming less than a fifteenth part of that which, in value, is equal to two hundred and fifty 35 (Paṇas), and (the stealing of which is consequently) occasioning a Chândrâyaṇa (penance). For that (Sântapana Kṛichchhra penance) is a fifteenth part of a Chândrâyaṇa.

Sântapana Kṛichchhra for stealing tin, lead, etc.

(*vv*) MANU XI. 163.

(*w*) He tries to settle the value of the water misappropriated (for agricultural purposes ? .

(*ww*) See MANU VIII. 326 and 329, and also YÂJÑAVALKYA II. 230.

(*x*) MANU XI. 57.

(*xx*) MANU XI. 164.

576. Also on account of (the nature of) particular materials (which are stolen) there is an exception to the vow (of penance coming in) generally (by regarding) theft as a minor sin. (It is) thus: "For stealing such food as requires good mastication, soft food, and the like, (for misappropriating) a conveyance, a bed, or a seat as well, and also (stealing) flowers, roots, and fruits, (drinking of) Pañchagavya is the necessary purification" (y). This penance refers to (the case of) stealing food requiring good mastication or soft food (in a quantity just) sufficient for one meal. And for stealing (a quantity) serving for two or three meals, (one shall subsist on Pañchagavya) for three (days and) nights. Thus says PAIṬHÎNASI: "For stealing edible materials, whether hard food requiring mastication or soft food, (to the extent of) only as much as would fill his stomach (the penance is) subsisting on Pañchagavya for three (days and) nights or one (day and) night (as the case may be)" (z).

Subsisting on Pañchagavya for one for stealing food sufficient for one meal, misappropriating a bed, etc.

Subsisting on Pañchagavya for three days if the food stolen is sufficient for two or three meals.

Also as the (terms) 'conveyance' *etc.*, are found in association with this (term 'food'), this penance (holds good) only (in the case) where those (articles) of that very (trifling) value are stolen. And also in all cases considering whether the extent of the stolen (a) property is excessive or small, even the high or low nature of the penance should be ascertained.

Conveyance etc. referred to are things of a trifling value.

577. Similarly (there is this text): "Also for (stealing) grass, pieces of wood, and trees, dry foodstuffs and jaggery, and also oil, hide, and flesh, (the penance) is fasting for three (days and) nights" (b). And with regard to these things grass etc., as it is seen that the penance is one (lasting) for three (days and) nights, (that is,) three times (the penance laid down) for (stealing) hard food (which requires mastication) and the like, (it is clear that) this penance is for stealing them worth thrice the value thereof.

Fasting for three days for stealing a small quantity of grass etc.

578. Likewise (there is this text): "For (stealing) gems, pearls, and corals, copper as well as silver, and iron, bronze, and (precious) stones, (the penance is) subsisting on (raw) grains (c) (picked on) threshing floor for twelve days"(d). Even here, as in the case of (stealing)

Subsisting on raw grains for twelve days for stealing gems, pearls, etc.

(y) MANU XI. 165.

(z) G. and N. have a *cha*, also, additional.

(a) S. reads *ahṛiyamâṇa*, that is not being stolen. It ought to be *hṛiyamâṇa*, that is being stolen.

(b) MANU XI. 166.

(c) Another reading is *kaḍannatâ*, subsisting on coarse food.

(d) MANU XI. 167.

hard food (requiring good mastication), as the penance noticed is the one twelve times (as hard), it should be understood that this penance refers to (the case of) stealing gems, pearls, etc. the value of which is twelve times the value of that (food article).

Subsisting on milk for three days for stealing cotton, silk, etc.

579. Likewise (there is this text): "For (stealing) cotton, silk, or woollen (stuffs), also animals with cloven or uncloven hoofs, birds, scents, or medicinal plants as well, or also ropes (used for drawing water), (the penance) likewise is (subsisting on) milk for three days (and nights)" (*e*). Even here as the penance noticed is the one which is three times as that (laid down) for (stealing) hard food (requiring mastication), it should be understood that this penance is only in the (case of) stealing such things of three times the value thereof.

The penance after restoring the stolen article to the owner.

580. Considering the nature of the stolen article (with regard to its) being much or little, it should also be ascertained whether the penance should be high or low. Also it should be understood that this penance for stealing should be performed only after the stolen article has been given (back to the owner). Thus says VIṢṆU: "Only after having given back the stolen article to the owner, one should undertake the vow of penance" (*f*).

Thus (ends the Topic on Penances for) Stealing.

SECTION XIV.—PENANCES FOR NOT SATISFYING DEBTS.

One of the four penances for not liquidating of debt.

581. And when the debt is not satisfied, (that is to say,) when (a debt) is not paid back as it is ordained by (the text), "The debt shall be discharged by the sons and grandsons *etc.*" (II. 50), and similarly when sacrifices and the like Vedic rites are not performed, they being described as a debt (in the Vedas) by the text, "By the very entering on the world indeed, [a Brâhmaṇa is born subject to the three debts *etc.*]" (*g*), then one of the set of four penances laid down generally for a minor sin by (the text of YÂJÑAVALKYA), "Purification from a minor sin can be attained thus *etc.*," should be prescribed regard being had to the

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(*e*) MANU XI. 168.

(*f*) The text of VIṢṆU (LII. 14) runs thus: *Dattvaivâpahṛitaṃ dravyaṃ dhanikasyâpyupâyataḥ, prâyaśchittaṃ tataḥ kuryât kalmaṣasyâpanuttaye.* Having through some expedient given away the stolen article to the owner, only then, for the expiation of sin, a penance should be undertaken.

(*g*) See p. 102, ll. 26-28, *ante.*

ability (of the expiator). Also a different penance has been laid down by MANU in this connection: "Also the Vaiśvânarî Iṣṭi shall be performed at the change of the year for the purpose of expiation of (the sin consequent) upon the (omitting), through want, (of) Paśu and Soma 5 sacrifices that are ordained (to be performed)" (XI. 27). The change of the year (means) the end of the year.

Vaiśvânarî Iṣṭi for having omitted to perform the rites in Fire.

Thus (ends the Topic on Penances for) Not Satisfying Debts.

SECTION XV.—THE CONDITION OF NOT BEING AN ÂHITÂGNI.

582. Similarly for also having, when in distress, not remained an 10 Âhitâgni, though one has (full) authority (to kindle the Sacred Fires), (one of) the same set of four penances should, when one year has elapsed (in that condition), be taken to hold good according to the capacity (of the expiator). And when it is (so), when not in distress, (the 15 penance is) that lasting for three months prescribed by MANU. But when it is earlier than one year, KÂRṢṆÂJINI lays down a special (rule): "Kindling the Fire at the proper time, a Brâhmaṇa shall finish the rites with due regard to the (sacred injunctions). And where he fails to perform it, he 20 is purified by (fasting for) three (days and) nights every month. When the father and the rest remain not-Âhitâgnis, if the son would offer a sacrifice, then indeed, he shall offer a Paśu after the manner of the Vrâtya (-stoma) to make expiation for it." Even 25 with regard to him who keeps the one (Gṛihya) Fire only, a special (rule) has been laid down by that very (authority): "If an eldest son who has taken a wife and remains a householder, would not perform the Aupâsana rite, then he shall for one year perform 30 the Chândrâyaṇa or at least (fast) for one day every month."

One of the four penances according to the ability for remaining a not-Âhitâgni.

Or a three days' fast a month for not remaining an Âhitâgni.

The son shall offer a Paśu as penance for offering a sacrifice when his father does not offer a sacrifice.

Spending at least one day a month in fasting for failure to perform Aupâsana.

Thus (ends the Topic on Penances for) Not Remaining an Âhitâgni.

SECTION XVI.—PENANCES FOR DEALING IN FORBIDDEN GOODS. 35

583. Similarly for dealing in forbidden goods also, a special penance has been laid down in another Smṛiti. Thus says HÂRÎTA: "For having sold jaggery, sesamum, flowers, roots, fruits, and prepared food, (the penance is) a Somâyana (h) or a Saumya Kṛichchhra. For 40

A Somâyana or Saumya Kṛichchhra for dealing in jaggery, sesamum, flowers, roots, etc.

(h) Some editions adopt the reading *Somapâna*. But whence can a Soma-sacrifice come to one who on account of his sin has lost his right to (religious) duties?

selling any one of these, (namely), lac, salt, liquor, flesh, oil, milk, curds, whey, ghee, scents, hide, and raiments, (the penance is) a Chândrâyaṇa. Similarly for selling wool, hair, Kesari, lands, a milch-cow, a house, stone, and weapons and also for selling flesh that is fit for eating, tendon, bone, horn, claws, and pearl-shells (the penance is) a Tapta Kṛichchhra. In (the case of selling) assafœtida, Guggulu, ('bdellium'), Haritâla ('yellow orpiment'), Maṇaśśilâ ('red arsenic'), collyrium, Gairika ('red chalk'), caustics, salt, gems, pearls, corals, articles of bamboo, and earthenware (articles) also, (the penance is) Tapta Kṛichchhra (i). In (the case of) selling a pleasure-garden, a well, a tank, a pond, and virtue, one shall bathe at the three Savanas, shall sleep on the ground, shall eat (once) at the fourth meal time, shall meditatively repeat (Gâyatrî) one thousand and ten (times) and is (thus) purified in one year. (And the same penance should be performed) even in (the case of) selling (by using) a false measure or balance, or (selling goods) adulterated with baser substances." Thus where a particular penance has not been ordained even by other texts of ŚAṄKHA, VIṢṆU, and others, then (it should be understood that the penance is) that laid down by MANU as lasting for three months and coming in by the general nature of (their being) minor sins in cases where there was no distress. And (if done) in (cases of) distress, (one of the) four vows (of penance) laid down by YÂJÑAVALKYA should be prescribed according to the ability (of the expiator).

Chândrâyaṇa for selling lac, salt, etc.

Tapta Kṛichchhra for selling wool, hair, etc.

Repetition of the Gâyatrî one thousand and ten times etc. for one year for selling a pleasure-garden, well, tank, etc.

The same for using a false balance, etc.

Thus (ends the Topic on Penances for) Dealing in the Forbidden Goods.

SECTION XVII.—PENANCES FOR A YOUNGER BROTHER'S MARRYING BEFORE THE ELDER.

584. Where one has married before his elder brother, a special penance has been laid down by VASIṢṬHA (thus): "He who has married before his elder brother shall perform a Kṛichchhra and an Atikṛichchhra, offer (his wife) to that (elder brother), and marry again (at his permission) by taking (back) the same (woman whom he wedded first)" (XX. 8). (The expression) 'he who has married before his elder brother' signifies a Parivettṛi and his characteristics have already been explained. Such a person shall perform a Kṛichchhra and an Atikṛichchhra, offer that (girl) whom he has married to that elder brother, (that is to say,) offer her in the way in which the alms collected when one is observing Brahmacharya, in

A Parivettṛi shall perform Kṛichchhra and Atikṛichchhra; offer his wife formally to the elder brother; take her back at his permission; and marry her again.

(i) S. does not expressly mention 'Tapta Kṛichchhra' here.

order to remove (the notion of) his defiant attitude towards the Guru, and marry again. If it is asked whom he has to marry, it is said in (answer) (that he should) marry [again (at his permission) by taking (back)] the same (woman) whom he had wedded first. (That is to say,) that very woman whom he has married, he should offer to his elder brother, 5 and being permitted by him in return, he shall marry again.

585. Next, (there is) the text of HÂRÎTA which (says), "When the elder brother remains unmarried, a younger brother who would get himself married is (called) a Parivettṛi, that elder brother a Parivitti, that girl a Parivedanî, that giver of the bride a 10 Paridâyin, and that priest who conducts the marriage ceremony a Pariyaṣṭṛin, and all these suffer degradation (from caste) and might attain purification by observing the Prâjâpatya Kṛichchhra for one year." (There is) also (that text) of ŚAṄKHA 15 which says, "A Parivitti as well as a Parivettṛi shall gather alms at the houses of Brâhmaṇas for one year." And both of these (texts) refer to a case where a marriage, out of intention, takes place without the permission of the bride's father and the rest, for the penance is of a heavy nature. 20 But when, on the other hand, he marries intentionally a girl who is given away by (her own) father or the like, then the penance is that laid down by MANU as lasting for three months. The penances of Kṛichchhra and Atikṛichchhra which have been referred to above and the set of four 25 penances prescribed by YÂJÑAVALKYA refer to (those) cases where the act is committed unintentionally.

One year's Prâjâpatya Kṛichchhra for a Parivettṛi, a Parivitti, Parivedanî, Paridâyin, and Pariyaṣṭṛin if out of intention.

Or living on alms for the same period.

Three months' penance if there is the consent of the bride's father.

586. But a special rule has been laid down by YAMA in this (connection): "(In a case) where a younger brother marries before his elder brother, (the penance is) the (two) Kṛichchhras for the (two brothers) 30 and a mere Kṛichchhra for the bride.' The giver shall perform an Atikṛichchhra and the priest shall perform a Chândrâyaṇa." And this also refers to the case where a younger brother kindles the Sacred Fires before the elder brother, for it is expressed in a way suited 35 to both. Thus says GAUTAMA: "In the case of an elder brother whose younger brother has married before himself, a younger brother who has married before his elder brother, an elder brother whose younger brother has kindled the Sacred Fires (before himself), a younger brother who has kindled the Sacred Fires before his elder brother, the husband of a 40 younger sister whose elder sister remains unmarried, and the husband of an elder sister whose younger sister was married before herself (j)

The same penance for one's kindling the Sacred Fire before his elder brother.

(j) Notice the word *pati* is to be taken with both *Agredidhiṣû* and *Didhiṣû*.

(the penance is) the abovesaid (typical) Brahmacharya (*k*) for one year." It is with this very view that this very penance has been laid down by VASIṢṬHA in connection with the husband of the younger sister whose elder sister remains unmarried (at the time of her marriage) etc.: "The husband of a younger sister whose elder sister remains unmarried (at the time of her marriage) shall perform the Krichchhra for twelve days, and marry again, by taking that very (elder sister). The husband of an elder sister whose younger sister was first married shall perform a Kṛichchhra and Atikṛichchhra, give away her (*kk*) to that (husband of the younger sister) and marry again" (XX. 9, 10). The definition of *Agredidhiṣû* ('a younger sister whose elder sister remains unmarried at the time of her marriage'), and *Didhiṣû* ('a maiden, who remains unmarried at the time of her younger sister's marriage') is given in another Smṛiti: "The elder sister remaining unmarried, that girl who, being a younger sister, is married is to be known as an Agredidhiṣû while (she who is) first mentioned is declared a Didhiṣû" (*l*). Of those (two persons who marry them) the husband of the younger sister who is married before her elder sister shall perform a Prâjâpatya, and shall next marry that very elder sister who had been married to another. But the husband of the elder sister whose younger sister was married first shall perform a Kṛichchhra

The husband of an Agredidhiṣû shall perform the Kṛichchhra and marry again the elder sister.

The husband of Didhiṣû shall perform Kṛichchhra and Atikṛichchhra, give away that Didhiṣû to her younger sister's husband, and marry again.

Definitions of 'Agredidhiṣû' and 'Didhiṣû'.

(*k*) The original word is *prâkṛita* and it appears as *Prâkṛita-Brahmacharya*, typical vow of Brahmacharya. It might be noticed a typical form of Brahmacharya vow has been defined, and that is to be observed with certain additional observances etc. for any period that might be specified with reference to a particular serious sin.

Some however have explained *prâkṛita* as *prâgukta*, previously spoken of. There is reason to believe that *prâgukta* is not an exact equivalent to *prâkṛita* as used here, but it simply serves to point out that Brahmacharya is of the sort previously spoken of in connection with the mortal sins. Thus *typical* seems to be an approximate equivalent of *prâkṛita*.

(*kk*) Some editions adopt the reading *dattaṃ*, in which case the meaning is, "The husband of the elder sister whose younger sister was first married shall perform a Kṛichchhra and Atikṛichchhra, offer her to that (husband of the younger sister), and marry her alone again (at the permission of) the younger sister's husband." Though it is more reasonable and is analogous to the view already held by the Mitâkṣarâ in connection with a younger brother who got himself married before his elder brother, yet it is directly opposed to the express explanation of the Mitâkṣarâ that follows.

(*l*) HARADATTA cites this definition first and also notices the following verse of Amarakoṣa: *Punarbhûrdidhiṣûr ûḍhâ dvis tasyâ didhiṣuḥ patiḥ, sa tu dvijo (a)-gredidhiṣus saiva yasya kutumbinî* (II. vi.--) she is called a Punarbhû or a Didhiṣû who is married twice, and her husband is a Didhiṣuḥ. But that twice-born man whose wife she herself was before is an Agredidhiṣuḥ.

and an Atikṛichchhra, give away that elder sister who is married to him to the husband of the younger sister who married her before (the elder sister was married), and marry another.

Thus ends (the Topic on Penances for) One's Marrying Before the Elder is Married. 5

SECTION XVIII.—PENANCES FOR THE ACQUISITION OF LEARNING BY AN ENGAGED TEACHER, AND ALSO TEACHING FOR FEES.

587. Having made the introduction that they "should drink Brahmasuvarchalâ (m) boiled in milk" with reference to one who gives instructions (in the Veda) for fees and also him who is taught on payment, it has been said (thus) by VIṢṆU: "For having given instructions (in the Veda) for fees, being taught likewise on paying, or administering a rebuke (to a student), one shall with due attention drink (it) for one month and a half." 15

Drinking of Brahmasuvarchalâ for one month for paid tuition.

Administering a rebuke (to a student) is to censure well one who intends to study to attain eminence (in such words) as 'Why do you study, doomed that you are.' It is verily therefore (that it is) said in another Smṛiti (thus): "MANU says that they who give a rebuke to one desirous of study are outcasts." 20

Even in this (case) this (penance) along with the vows (of penance) described above forms a set of alternatives and are to be prescribed according to the capacity (of the expiator).

Thus (ends) the Topic on (Penances for) One who Instructs on Receiving Fees and also One who is Instructed on Payment. 25

SECTION XIX.—ADULTERY WITH OTHERS' WIVES.

588. Similarly even in (the case of) adultery with others' wives (rules of) special (penances) have been pointed out (when the offence is in connection) with the wife of a Guru and the like, (and they are penances other than the penance lasting) for three months as described by MANU and 30 coming in under the general condition of the (offence being a) minor sin, and also (other than that) set of four vows (of penance) ordained by YÂJÑAVALKYA (for minor sins in general). In the same way even in other cases, (rules of) special (penances) have been laid down by GAUTAMA and others according to the particular nature of adultery with others' wives. 35 Thus says GAUTAMA: "For adultery with the wife of another [the penance is the abovesaid (typical) Brahmacharya for] two (years). For adultery (with the wife) of a Śrotriya it is (for) three (years)

Typical Brahmacharya for one, two, and three years for three grades of adultery.

(m) This seems to be a particular variety of linseed, Suvarchalâ being Linum Usilatissimum.

(III. iv. 29-30)." Similarly alluding to the abovementioned (typical) Brahmacharya which is to last for one year, it has thus been said by that (GAUTAMA) himself: "And the same (penance must be performed) for (committing) minor sins (also)" (III. iv. 34).

According to the quality of woman approached.

The settlement is this with regard to these (rules): (The penance) for approaching intentionally, at the time favourable for conception, a woman who is a Brâhmaṇî but in caste (is) the abovesaid (typical) Brahmacharya for one year. If at such a time itself a woman of Brâhmaṇa caste who is possessed of the virtues of being a help-mate to (religious) rites etc. is approached, the aforesaid (typical) Brahmacharya for two years (is the penance). If the wife of a Śrotriya who is of that very nature is approached, the abovesaid typical Brahmacharya is to be observed for three years. Or (if the woman approached) is the wife of a Śrotriya, belongs to the Brâhmaṇa caste, and is full of (excellent) qualities, (the penance is that lasting for three years). If she happens to be a woman of Kṣatriya caste and is of the same nature (the penance is) one of two years. And if she is a woman of Vaiśya caste and is of the same nature, (then it is) one lasting for one year. This is the settlement.

Penance less according to the inferiority of the Varṇa of the woman approached.

589. By a mode of viewing similar to this, it should be prescribed that when the woman is of Śûdra caste, (the penance is) the said sort of (typical) Brahmacharya lasting for six months. It is with this very view that by ŚAṄKHA that the penance is less and less in the order of the Varṇas has been shown in the following text: "He who gratifies his lust in a woman of Vaiśya caste shall observe Brahmacharya and bathing at the three Savanas as well for one year; if she is a woman of Kṣatriya caste (the same penance shall be observed for) two years; and if she is a woman of Brâhmaṇa caste (the same penance shall be observed for) three years. And (the penance) where the woman is of Śûdra caste and married to a Brâhmaṇa, is the same as that in the case of the Vaiśya (woman)." (*n*).

In the same manner (the penance) for a Kṣatriya also (where the offence committed is) with women of a Kṣatriya etc., (the penances) lasting for two years, for one year, and for six months should in order be taken in cases similar to those described above. And (the penance) for a Vaiśya (who commits adultery) with women of a Vaiśya and Śûdra (is respectively that) lasting for one year and six months. And (the penance) for a Śûdra (who commits adultery) with a Śûdra woman who is married to another (Śûdra) is one lasting for six months alone.

(*n*) The reading adopted here is *Vaiśyâvat cha Śûdrâyâṃ*. But some editions adopt the reading *Vaiśyâyaṃ Śûdrâyâṃ*, which, however, makes no sense.

590. (There is the) text of ÂPASTAMBA which says, "By a single effusion of semen in a woman of the same caste, who was not another's previously (either by gift or enjoyment), a man suffers degradation one-fourth, thus by a repetition (another) one-fourth, and completely at the fourth (repetition)," and that refers to the same case as (the penance) prescribed by GAUTAMA for three years. But as the penance lasting for twelve years is prescribed in a case where there are four repetitions (of intercourse) with a woman who was not (o) another's previously, this penance does not (hold good) where the repetition of intercourse is with a single woman, but, on the other hand, a fourth part less should be prescribed at each succeeding intercourse (with that same woman).

One suffers a fourth part of degradation at each intercourse with unmarried or unenjoyed damsels.

Penance a fourth part less at each repetition if the damsel is the same.

591. All this refers to the case where the act (is committed) intentionally. But where (it is committed) unintentionally, this very (penance) should be taken by half with each aforesaid case.

Half for absence of intention.

592. But if at a time not favourable for conception one approaches intentionally a woman who is a Brâhmaṇî but in caste, (the penance is) that prescribed by MANU as lasting for three months. On the other hand in a very similar case (where the intercourse is) with women who are Kṣatriyas etc. but in caste, the very penances prescribed by that (MANU) himself, (namely,) the Chândrâyaṇa penance lasting for two months and one month (respectively) should be taken to hold good. Also for a Kṣatriya etc. (the penances for committing adultery) with Kṣatriya etc. women (are respectively those) alone lasting for two months etc.

Shorter penance for adultery at a time not favourable for conception.

Next if the act is (committed) unintentionally with women (of) this (very description), (the penance) for men belonging to the first three higher castes should be understood to be respectively (the three penances) prescribed by YÂJÑAVALKYA, (namely,) making a gift of (ten) cows (with a) bull (as the) eleventh, subsisting on Pañchagavya for one month, and performing of the Prâjâpatya penance for one month. But where the intercourse is with a Śûdra woman, the very vow (of penance) which is laid down for intentionally (committing it) should be taken by half and applied to that case. (It is) with this very (view) that SAMVARTA has: "A Brâhmaṇa having approached a Śûdra woman, shall, for one month or half a month even, continue to subsist on cow's urine and barley-gruel for expiation from that sin." It is intended (to show) that if (the act is) unintentionally (committed), (the penance is that) lasting for half a month.

Penances for similar cases where there is no intention.

(o) S, has a reading omitting 'not.'

593. (It is said), "If a Brâhmaṇa (p) would deliberately approach the wife of (another) Brâhmaṇa, who has given up the (religious) duties of that (caste), (then he shall perform) a Kṛichchhra, and (if she is the wife) of one who has not given up the (religious) duties, (then) an Atikṛichchhra," but that must be understood to refer to (the case where she is) a Śûdra woman who has married a Brâhmaṇa. Or it may refer even to (the case of) his unintentionally approaching women of the twice-born castes who are married to Brâhmaṇa husbands and had (already) gone astray twice or thrice. Just so (has) SAMVARTA: "Having approached a Brâhmaṇa woman who is false to her lord (q) one shall perform a Prâjâpatya." And if (the act is) intentionally (committed) it should be understood that (the penance is) twice the Kṛichchhra as is laid down by YAMA: "Having approached a queen, a female ascetic, a nurse, a chaste woman, a woman of the highest caste as well, and a woman of the same Gotra (as one's self), he shall perform two Krichchhras."

Kṛichchhra and Atikṛichchhra for approaching the wife of a Brâhmaṇa but in name and a dutiful Brâhmaṇa respectively, or where those women had gone astray twice or thrice.

Intention necessitates two Kṛichchhras.

594. At each repetition of the adulterous intercourse from the fourth upwards (r), it should be understood (that the penance is) the one prescribed by ŚAṄKHA (thus): "He who gratifies his lust in a Śûdra woman who is a Svairiṇî ('adulteress'), he shall bathe along with his clothes, and present a vessel full of water to a Brâhmaṇa. (And if it is) with a Vaiśya woman, he shall partake of his food at the fourth meal time and feed the Brâhmaṇas (s). If in a Kṣatriya woman, he shall fast for three (days and) nights and make a gift of one Âḍhaka of barley (t). And if in a Brâhmaṇa woman, he shall fast for the six (days and) nights (u) and make a gift of a cow" (v).

(p) Some editions adopt the reading *Brâhmaṇaḥ cha idam*, if a Brâhmaṇa this. There is a word in the passage with which the pronoun *idam*, this, can be taken. Either of the other readings *Brâhmaṇaḥ chet*, or if a Brâhmaṇa, or *Brâhmaṇâḥ* merely, is decidedly better.

(q) The original is *asvajanâm* which may also mean one who is of the same Gotra. As this passage is cited in connection with adulterous intercourse with unchaste twice-born women, this translation is, though very diffidently, given.

(r) S. reads *chaturâbhyâse*, where there are four repetitions. But the reading followed here is *chaturâdyabhyâse tu*, with the fourth repetition and upwards.

(s) Some editions have *yavasabhâraṃ gobhyo dadyât*, he shall give one Bhâra weight of fodder to the cows, extra here. But it may be noticed that one penance and one gift are prescribed in all these cases

(t) Some editions have here *ghṛita-pâtraṃ dadyât*, he shall make a gift of a vessel filled with ghee.

(u) Some editions have *trirâtraṃ*, three (days and) nights, even here. But it must be noticed that the penance must go on increasing with the caste of the woman concerned.

(v) Some editions have *ghṛita-pâtraṃ*, a vessel filled with ghee, here.

Next follows the following *goṣvavakîrṇaḥ prâjâpatyaṃ charet. Anûḍhâyâm avakîrṇaḥ palâlabhâraṃ sîsamâṣakaṃ cha dadyât*, he who gratifies his lust in cows shall perform a Prâjâpatya penance, and he who gratifies his lust in an unmarried damsel shall make a gift of one Bhâra (2,000 Palas) of husk and a Mâṣa weight of lead.

595. The fact that this refers to the fourth etc. repetition is observed from the (following text of) another Smriti: "She is declared to be a Svairiṇî at the fourth (adulterous intercourse), and she is considered a Bandhakî at the fifth." With regard to this very case it has also been said in the Ṣaṭtrimśanmata: "Having approached a Bandhakî of Brâhmaṇa caste a gift of a Kiñchit ('eight fistfuls') should be made to a Brâhmaṇa, and if it is a Kṣatriya woman a bow shall be presented, while if he approaches a Vaiśya woman (of that character), (he) shall present a raiment. But if a Brâhmaṇa approaches a Śûdra woman (of that sort) he shall make a gift of a vessel filled with water to a Brâhmaṇa, or he might fast during the day and give food to a Brâhmaṇa" (*w*).

A woman is an adulteress till the fourth adulterous intercourse, and a whore thereafter.

Less penance for approaching a whore.

596. And this collection of the penances refers to the case where conception does not arise, and if that arises whatever penance has been laid down with a particular (reference) that very (penance) shall, in that case, be performed doubly. For says the text of UŚANAS: "Whatever is the vow (of penance) for an adulterous intercourse double that penance shall be done if there is conception." With regard to him who brings about conception in the wife of a Śûdra, a special rule has been laid down in the Chaturvimśanmata thus: "He who procreates a child on a Śûdra woman, shall, for three years, eat at the fourth meal time when it is night." (That) text of MANU which (says), "Having raised a Śûdra woman to his bed a Brâhmaṇa sinks to hell. And having raised a son on her, he is deprived of the Brâhmaṇahood itself" (III. 17) (*x*), is tending to lay down that the sin is of a heavy nature.

Double the above penance if there is conception.

Loss of Brâhmaṇahood for excessive sin with a Śûdra woman.

(*w*) Some editions have the following additional passage here: *Anuloma-vyavâye garbhe dviguṇam yadi sâ atidûṣitâ na pratilomagâ na bhavati tadaiva. Anyajâti-gamane dvaiguṇyam pratiloma-dûṣitâsu antyâvasâyi-strîṣu cha chaṇḍâlî-garbhe yathâ gurutalpa-vratam tathâ kiñchin-nyûnam târatamyam kalpyam. Chaṇḍâlî-gamane vârṣikam. Garbhe tu gurutalpatvam tathaiva jñeyam,* 'In the case of cohabitation of a woman of one Varṇa with a man of a superior Varṇa, if conception does take place, (then the penance) is double only then when she had been neither extremely defiled nor approached by a man of inferior Varṇa. And the penance is twice if she is approached by a man of any other caste. For approaching women defiled by cohabiting with men of Varṇas inferior to their own or with women of Antyâvasâyin caste, just as the vow (of penance) for violating a Guru's bed is done, with reference to causing conception in a Chaṇḍâla woman, so should it be made to differ from it by something slightly less. For approaching a Chaṇḍâla woman, the penance is that lasting for one year, and if there is conception, the penance for violating the Guru's bed should be noticed to hold good so alone.'

(*x*) This is stated by MANU in connection with marriage where he says that a Brâhmaṇa should not marry a Śûdra wife before marrying a woman of his own caste. But, curiously enough, VIJÑÂNEŚVARA uses it to show the heavy nature of the sin.

597. But where the cohabitation of a woman of a superior Varṇa with a man of an inferior Varṇa (takes place), in all cases should corporal punishment be inflicted upon the man (concerned), for says the text (of a Smṛiti), "When a man approaches a woman whose Varṇa is superior to his own, corporal punishment (is to be inflicted) on the man and cutting off ear or the like on the woman." But (there is that) text of VṚIDDHA-PRACHETAS which (says), "For a Śûdra who approaches a Brâhmaṇa woman unconsciously and is desirous of attaining purification, this vow (of penance) should be prescribed complete in his case, for indeed, she is a mother to him. And (it should be prescribed) a quarter and quarter less in the (case of approaching) women of other Varṇas and (this is the rule) for all the Varṇas," and this text which tends to extend the penance of twelve years refers, it should be understood, (to the case) of one who approaches her by mistaking (her) for his own wife. For there is a particular mention of (the word) 'unconsciously.' And (there is) the text of SAṂVARTA which (says), "If somehow a Kṣatriya or a Vaiśya approaches a Brâhmaṇa woman, then a Kṛichchhra or a Sântapana shall be the penance for (the purpose of) purification. But a Śûdra who under the influence of passion, does somehow approach a Brâhmaṇa woman, then, subsisting on cow's urine and barley-gruel, he is purified by one month," but that refers to a case where the Brâhmaṇa woman concerned has been extremely profligate.

Corporal punishment where adultery is with a woman of superior caste.

Twelve years' typical penance for a Śûdra who unconsciously approaches a Brâhmaṇa woman.

Nominal penance for adultery with a Brâhmaṇa woman who is extremely profligate.

598. Even in the case where one has approached a woman of the lowest caste, the penance has been prescribed by BṚIHAT-SAṂVARTA (thus): "A Brâhmaṇa who has approached the woman of a dyer, of a hunter, of an actor, or of the (class) subsisting by working in bamboo or tanning shall perform a double Chândrâyaṇa." This refers to the case where a Brâhmaṇa approaches (one such woman) out of intention, and (in the case) of a Kṣatriya etc. (the penance) should be prescribed a quarter and a quarter less (in the order of the Varṇas). (It has thus been) said by ÂPASTAMBA in this very (connection): "Having approached (any of) the following women, a Mlechchha woman, a woman of an actor caste, a woman of a tanner caste, a woman of a dyer caste, and a woman of the Varuḍa caste likewise, one shall perform a double Chândrâyaṇa." Also the lowest castes have been pointed out by that (ÂPASTAMBA) himself: "A dyer, a tanner, an actor, a Varuḍa as well, a fisherman, a Meda, and a Bhilla,—these seven are declared to be the lowest castes."

Double Chândrâyaṇa for a Brâhmaṇa who approaches intentionally a dyer woman etc.

599. Whoever (being) Chaṇḍâlas etc. are classed as Antyâvasâyins ('dwellers outside the village'), if their women are approached, the penance (is of a) higher (nature) and is shown in the Chapter on Violating

the Guru's Bed. And whichever penance is laid down for having cohabited with any one of these women from among the lowest castes, that alone holds good in the case of all, because all of them are of the same (gradation). Just so has UŚANAS: "Whatever religious rite is laid down even with reference to a single person (who is one) of several who are governed by the same Dharma, that (itself) holds good (in the case) of all, for, indeed, they are declared (to be) of the same gradation."

Whatever is spoken of with reference to one applies to all of that gradation.

600. But where one has approached such a woman unintentionally that (penance) which has been laid down by ÂPASTAMBA should be observed to hold good: "Having approached unintentionally a woman of Chânḍâlas, Medas, Śvapachas, and those who take to the vow of Kapâla ('a skull bone') (y) one shall observe the vow of Parâka." Also (that) text of SAṂVARTA which says, "When a Brâhmaṇa approaches the woman of a dyer, of a hunter, of an actor, or of the (class) subsisting by working in bamboo or tanning shall perform a Kṛichchhra and a Chândrâyaṇa," does equally refer to the case where the act is committed unintentionally.

A Parâka or a Kṛichchhra and Chândrâyaṇa where the act is unintentional.

601. Next (there is this text) which has been laid down by ŚÂTÂTAPA (thus): "(Having approached) a fisher-woman, also a dyer-woman, and women of those who live by working in bamboo or tanning, one is purified by the process of one Prâjâpatya Kṛichchhra," but that refers to the case where there is a stoppage of the intercourse before the seminal effusion. And (there is the text of) UŚANAS which says, "For those who partake of the food of Kâpâlikas, and likewise for those who approach their women, it is laid down (that the penance is) Kṛichchhra for one year if (the act is committed) deliberately, and if unintentionally a double Chândrâyaṇa," but that refers to a case where there is repetition.

Prâjâpatya Kṛichchhra if the intercourse ends before the seminal effusion.

One year's Kṛichchhra for repeating sin with Kâpâlika women.

But when one has approached a Chânḍâla woman or the like and conception has taken place (in her), then it should be known that (the penance is one) lasting for twelve years as is laid down by UŚANAS (thus): "Having caused conception in a Chânḍâla woman, one shall observe the same vow (of penance) (as is) laid down for (his) violating the Guru's bed."

Twelve years' typical penance for causing conception in a Chânḍâla woman.

Also (there is that) text of ÂPASTAMBA which says, "Where one has begotten (a child) on a woman of the lowest caste, no penance is prescribed in his case, and he being branded should be expelled without hesitation," and it refers to the case where the act is committed intentionally.

Branding and banishment for an intentional raising a child on a Chânḍâla woman.

(y) Kâpâlikas.

602. Even (in the case) of women where they are approached by men of their own or superior Varṇas that very (penance), the one lasting for three years or the like which has been laid down (in the case) of man, does hold good. For says the text of MANU, "Whatever (penance) is laid down (in 5 the case) of man (for adulterous intercourses) with other men's wives (of the same Varṇa) the very same vow (of penance) this (adulterous) woman should be made to follow" (XI. 176).

The corresponding penances for women.

603. It is only (in the case) where a woman of a superior caste is approached by a man of an inferior caste, there is a difference in the 10 respective penances (to be observed) by that wife of another (man) (in question) and the man (who is the offender). Thus says VASIṢṬHA: "If a Śûdra approaches a female of a Brâhmaṇa caste, (the king) shall cause (that) Śûdra to be tied up in Vîraṇa (z) and shall throw him into a fire. He shall cause the 15 head of (that) Brâhmaṇa woman to be shaved, and her body to be anointed with ghee; placing her naked on a donkey (a) he shall cause her to be conducted along the high-road. It is declared that she becomes pure thereby" (XXI. 1). 20

A Brâhmaṇa woman defiled by a Śûdra should be shaved off her hair and paraded naked on a black donkey.

Similarly, "If a Vaiśya approaches the female of the Brâhmaṇa caste, the king shall cause (that) Vaiśya to be tied up in reddish Kuśa grass and shall throw him (b) into a fire. He shall cause the head of that Brâhmaṇa woman to be shaved, and her body to be anointed with ghee; 25 placing her naked on a yellowish donkey, he shall cause her to be conducted along the high-road. It is declared that she becomes pure (thereby)" (XXI. 2).

If by a Vaiśya on a yellowish donkey.

Similarly, "If a Kṣatriya approaches the female of a Brâhmaṇa caste, (the king) shall cause (that) Kṣatriya to be tied in the Śara grass and shall 30 throw him into a fire. He shall cause the head of (that) Brâhmaṇa woman to be shaved, and her body to be anointed with ghee; placing her naked on a yellowish (c) donkey, he shall cause her to be conducted along the high-road. It is declared that she becomes pure (thereby)" (XXI. 3). 35

If by a Kṣatriya on a white donkey.

(z) Andropogon Muricatus.

(a) The Bombay edition of VASIṢṬHA reads *Kriṣṇa-khara*, a black donkey.

(b) S. reads *Râjanya*, a Kṣatriya, and it is incorrect.

(c) The Bombay edition of VASIṢṬHA Smṛiti reads *Śveta-khara*, a white donkey. The readings found in that very edition are to be preferred, though there is no reason to correct the readings found in the Mitâkṣarâ, inasmuch as that every other part of the punishment on the culprit woman being the same, the colour of the donkey on which she is placed is indicative of the Varṇa of the man with whom she had her guilty love gratified, the whole procedure being to expose her guilt to the public at large.

In the same way (should the penance be prescribed when a) Vaiśya (has adulterous dealings) with a Kṣatriya woman or a Śûdra with a Kṣatriya or Vaiśya woman. As the text says that she "becomes pure," it is shown that sending round through the high-road is a purification (which is) of the nature of punishment and requiring no other penance. 5

Similar penalties for a Kṣatriya and a Vaiśya woman.

604. A different penance has been ordained by SAṂVARTA for a Brâhmaṇa woman who has had sexual intercourse with a man of a lower Varṇa but belonging to the twice-born classes (thus): "If a Brâhmaṇa woman unintentionally commits adultery with a Kṣatriya or even a Vaiśya 10 she is purified by subsisting on cow's urine and barley-gruel for one month and half of it (respectively)." But if (the act is) intentionally committed, double that should be performed, for the text says, "It shall be twice that if (the act is) intentionally committed." In the 15 Ṣaṭtriṃśanmata also (there is this passage): "If a Brâhmaṇa woman has had intercourse with a Kṣatriya or a Vaiśya, (then) she shall perform an Atikṛichchhra and Kṛichchhra-Atikṛichchhra (respectively). If a Kṣatriya woman has had intercourse with a Brâhmaṇa, a Kṣatriya, or a Vaiśya (then she shall observe) half a Kṛichchhra, 20 a Prâjâpatya, and an Atikṛichchhra (respectively). If a Vaiśya woman has had intercourse with a Brâhmaṇa, a Kṣatriya, or a Vaiśya, (she shall perform) a fourth part of a Kṛichchhra (*d*), half of a Kṛichchhra, and Prâjâpatya (respectively). Prâjâpatya (is the penance) for a Śûdra woman who has had intercourse with a Śûdra, but when the intercourse is 25 with a Brâhmaṇa, a Kṣatriya, or a Vaiśya, (the penance is spending) a day and night (in fasting), three days (in that very manner), and the (performing of) half a Kṛichchhra (respectively)."

Lighter penances where women unintentionally yield to a man of inferior Varṇa mistaking him for their husband.

But where the intercourse (she has had) is with a Śûdra, a special (rule) has been laid down by BṚIHAT-PRACHETAS: "If a Brâhmaṇa woman 30 has cohabited with a Śûdra, in (case) she does not bear him children, it is declared that the penance for her is a Kṛichchhra and three Chândrâyaṇas." It should be understood that (this is the course to be followed) where she has had no intention or where (she yields) mistaking (the man) for her husband. "For a Brâhmaṇa woman who has cohabited with a Vaiśya 35 (the penance is) two Chândrâyaṇas as well as a Kṛichchhra; but for her who has cohabited with a Kṣatriya (it is) a Kṛichchhra and a Chândrâyaṇa. A Kṣatriya woman who has had cohabitation with a Śûdra shall perform a Kṛichchhra and a double Chândrâyaṇa. But if she has cohabited with a Vaiśya she shall perform a Chândrâyaṇa as well as a Kṛichchhra. 40 A Vaiśya woman who has cohabited with a Śûdra shall perform a Kṛichchhra followed by a Chândrâyaṇa. And if the intercourse is with a man

(*d*) S. repeats *Kṛichchhrapâda*, a fourth part of a Kṛichchhra, a mistake clearly.

of superior Varṇa, (the woman in question) (shall perform) a Krichchhra diminished by a quarter (of itself with each degree of superiority)."

605. But where she has borne a child, a special (rule referring to her case) has been stated in the Chaturviṃśatimata: "If she conceives by a Brâhmaṇa, (the act being) unintentional, (the penance) is a Parâka, (where it is) similarly by a Kṣatriya a Chândrâyaṇa, and (where it is) by a Vaiśya a Chândrâyaṇa as well as a Parâka. And where the conception is by a Śûdra, (then) there shall be an abandoning of her, for a Chaṇḍâla is born thereby. If there is an abortion owing to the defects in the primary elements (necessary for the formation of the body), she shall perform three Chândrâyaṇas." As the distinguishing expression "(the act being) unintentional" is particularly mentioned, where the act, on the other hand, (happens to be) intentional, the Parâka etc. shall be performed doubly. But when no abortion having ever taken place, she remains (big with a child) for ten months and is (then) delivered (of the child), then no penance whatever (can render her pure). For says the text of VASISTHA: "The wives of Brâhmaṇas, Kṣatriyas, and Vaiśyas who commit adultery with a Śûdra may be purified by penance in case no child is born (from that adulterous intercourse), and not otherwise" (XXI. 12).

Harsher penances if there has been conception.

Abandonment if there is conception by a Śûdra (though the guilt is unconscious) unless there is natural abortion at least.

Penance powerless where there is a childbirth.

606. When a woman has already conceived and does next cohabit illicitly with a Śûdra and so forth, then the penance shall be performed only subsequent to the time of delivery lest there might occur a miscarriage (*e*). For (it is) observed in another Smṛiti thus: "That woman who being already pregnant, is occupied by a man of passion and enjoyed, shall not perform the penance so long she is not delivered (of the child in her) womb. When the child is born she shall observe the vow (of penance), (namely, of subsisting) on barley-gruel for one month. But no sin (pertaining) to the womb does attach (itself) to that (child), and he deserves to be performed the (purificatory) ceremonies in due manner." But when, in a defiant attitude, the woman does not perform the penance, the cutting off of the ear or the like of woman should be understood to hold good then.

Penance for adultery of a pregnant woman is after delivery.

No defect of caste to the child in the womb where the mother is tainted with the sin of adultery during pregnancy.

Lopping of the ear when the woman defiantly fails to perform penance.

607. Even in the case where they cohabit with men of the lowest castes etc., the penance for women has been pointed out in another Smṛiti (thus): "When a Brâhmaṇa woman cohabits with these, (namely,) a dyer, a hunter, an actor, or those who live by bamboo-work

A treble Chândrâyaṇa for a Brâhmaṇa woman who cohabits unintentionally with a man of low caste.

(*e*) Cf. Sec. 382, Indian Criminal Procedure Code.

or tanning, (the act) being unintentional, then (the penance is) a treble (f) Chândrâyaṇa."

Similarly (there is this) even when the intercourse is with Chaṇḍâlas and the like who live outside the village (g): "A Brâhmaṇa woman having unintentionally cohabited with a Chaṇḍâla, a Pulkasa, a Mlechchha, a Śvapâka, or one who has suffered degradation (from caste) likewise, shall perform four times Chândrâyaṇa." As (the word) "unintentionally" is employed, double the penance should be prescribed if (the act is) intentional.

Four Chândrâyaṇas for a Brâhmaṇa woman who cohabits unintentionally with a Chaṇḍâla or the like.

The penance double if intentional.

608. Similarly (there is this): "If somehow (a woman) has had cohabitation with a Chaṇḍâla, she shall have her hair, including that on the crown, shaved and partake of boiled barley. She shall observe fast for three (days and) nights and subsist on water for one (day and) night. She shall then stand in a well which is as deep as herself and is filled with water, made turbid with cowdung, and spend three (days and) nights there completely abstaining from food. She shall then drop a piece of gold into milk, and boil in it the root of the Śaṅkhapuṣpî (h) herb, or its leaf, flower, or fruit, and drink it. Next she shall eat one meal a day until menses appear, and as long as the vow (of that penance) lasts, she shall also occupy the outer apartment (of the house). Then when the penance has been (duly) undergone, she shall for the (purpose of attaining) purification feed Brâhmaṇas and make a present of a cow and a bull to them. Thus says SVÂYAMBHUVA." Even this refers (to the case where the act is committed) only unintentionally, for (there is seen) the expression, "if somehow [a woman] has had cohabitation" (i).

Another form of penance till the menses appear if the act is unintentional.

609. A different penance has been prescribed by ṚISYAŚṚIṄGA also for a woman who has had cohabitation with men of the lowest caste: "Then a woman who has had illicit intercourse with men of the lowest caste shall perform Kṛichchhra for one year." This (penance) refers to (the case of) a single intercourse intentionally (committed). But if a woman is already pregnant, and she alone has subsequently illicit intercourse with Chaṇḍâlas and the like, then a special (penance) is laid down by that (ṚISYAŚṚIṄGA) himself: "If a youthful woman who is also pregnant has had illicit intercourse with

One year's Kṛichchhra for a woman who intentionally commits adultery once with a man of the lowest caste.

One year's Kṛichchhra after delivery for adultery with a Chaṇḍâla during her pregnancy.

(f) Another reading is *aindavadrayam*, a double Chândrâyaṇa.

(g) Some editions adopt the reading *tathâ chaṇḍâlyâdyantyajâgamane api*, similarly for also approaching women of lower castes, such as a Chaṇḍâla woman etc. But one fails to see what connection this has with what follows.

(h) It is also called *Kambupuṣpî*.

(i) How this looks like a medical prescription!

one born of the lowest caste, she shall not perform the penance until she is delivered of the child. She shall not move in the house, shall not make decorations of any part of (her) body either, shall not occupy the same bed with her lord, nor shall she partake of food (in company) with the relatives. When she is delivered of (the child contained in) the womb, 5 she shall perform the penance of the kind of Kṛichchhra for one year, and shall make a present of gold or even a milch-cow to a Brâhmaṇa. But when she has illicit intercourse excessively and intentionally, then, it must be understood that (the penance is) that laid down by UŚANAS thus: "If 10 there is mixing (of the nature of) eating in company, and having sexual intercourse, with one born of the lowest caste, a woman shall fall into a blazing fire and is purified with death."

Falling into fire for excessive intentional adultery with a Chaṇḍâla.

610. And when she does not perform the penance laid down, then she deserves to have a (mark of a man's) genital 15 organ branded (on her forehead) or even to be punished with death. For, says the text of PARÂŚARA: "She who has been enjoyed by a man of an inferior Varṇa deserves to be branded or even punished with death."

Branding or capital punishment if she fails to perform the penance

Thus ends the Topic on (Penances for) Adultery with Others' Wives. 20

SECTION XX.—PENANCES FOR UNMARRIED LIFE WHILE A YOUNGER BROTHER IS MARRIED.

611. Similarly should it be understood that the settlement with regard to the penance to be observed by a Parivitti ('an elder brother whose younger brother is mar- 25 ried before himself') is the same as (that in the case) of the penances to be observed by a Parivettṛi '(an younger brother who marries before his elder brother'). But this is the difference that, if there are a Kṛichchhra and Atikṛichchhra in the case of a Parivettṛi with regard to a certain 30 question, there is a Prâjâpatya in the case of a Parivitti with regard to the same (affair). For says the text of VASIṢṬHA: "A Parivitti shall perform the Kṛichchhra (penance for) twelve (days and) nights, and marry again by taking her 35 back again" (XX. 7).

As for Parivettṛi, so is the penance for Parivitti.

A Parivitti shall perform a Prâjâpatya where a Parivettṛi a Kṛichchhra or Atikṛichchhra.

Thus ends the Topic on (Penances for Unmarried) Life while a Younger Brother is Married.

SECTION XXI.—PENANCES FOR LIVING BY INTEREST AND MANUFACTURE OF SALT.

General penances for usury and salt-manufacture.

612. And in the cases of living by interest and manufacturing of salt (j) the penances laid down by MANU and YÂJÑAVALKYA generally for minor sins should be applied with reference to the caste, ability, special qualities etc. of the individual.

SECTION XXII.—PENANCES FOR KILLING KṢATRIYAS, ETC.

613. After (mentioning the) manufacture of salt, it has been mentioned among the minor sins thus, " Killing of a woman, a Śûdra, a Vaiśya, and a Kṣatriya : " (The sage) points out a different penance in those (cases):

CCLXVI. A man for having slain a Kṣatriya shall make a gift of (one thousand) cows with a bull (forming) one thousand and onth. Or he might observe the (typical) vow (of penance prescribed) for slaying a Brâhmaṇa for (a period of) three years.

CCLXVII. A slayer of a Vaiśya shall observe this (vow of penance for) one year, or make a present of (one hundred) cows (with a bull forming) one hundred and onth.

Also a slayer of a Śûdra shall observe this (vow of penance for) six months, or, otherwise, make a gift of ten milch-cows.

Gift of one thousand cows and a bull or for three years the typical penance for Brâhmaṇa-slaying, for slaying a Kṣatriya.

One thousand which has one additional is *ekasahasraṃ* (' one thousand and one'), and the ordinal of it is *ekasahasraḥ* ('one thousand and onth ') (k). The cows which have a bull as *ekasahasraḥ* ('one thousand and onth') are *ṛiṣabhaikasahasrâḥ* ('[one thousand cows with a] bull [forming] one thousand and onth'). So (many) he shall make a gift of for having slain a Kṣatriya. Or he might observe for

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(j) It is curious to notice that though the reading in III. 235 is *lavaṇakriyâ*, which is explained by VIJÑÂNEŚVARA as *lavaṇasya utpâdanam*, manufacturing of salt, all the editions adopt the reading *lavanakraya* both here and in the preamble to the next two verses. Though it is often noticed in manuscripts that one thing quoted in a particular manner once, is often quoted in a slightly altered form next, yet VIJÑÂNEŚVARA cannot have committed a glaring mistake like this.

(k) PÂṆINI V. ii. 48.

(a period of) three years that (form of typical) hard penance, (namely,) the vow (of penance) for slaying a Brâhmaṇa.

Next, he who slays a Vaiśya shall observe (for) one year the very vow (of penance laid down) for slaying a Brâhmaṇa or he might make a gift of (one hundred) cows (along with a) bull (forming) one hundred and onth.

One hundred cows or one year's typical penance for killing a Vaiśya.

And he who has slain a Śûdra shall observe (for) six months the vow (of penance prescribed) for slaying a Brâhmaṇa, or else, he might make a gift of ten milch-cows that have lately brought forth calves, along with the calves.

Ten milch-cows or six months' typical penance for slaying a Śûdra.

614. But this refers to (the case) where a Kṣatriya or the like who is such but in caste is slain unintentionally. For having commenced the topic as, "But having knocked down unintentionally a Kṣatriya *etc.*" (XI. 127), these very penances have been laid down in the Institutes of MANU. And the settlement with regard to making the gift and the vow (of penance) is with reference to the ability (of the expiator). But in (the case of slaying) a Vaiśya and Śûdra who follow their profession to some extent, the following (course) laid down by MANU should be understood (to hold good): "It is declared that for killing a Kṣatriya a fourth part (of the penance laid down) for slaying a Brâhmaṇa (shall be performed); an eighth (part) of it if (he who is killed is) a Vaiśya who follows a good line of conduct, and one-sixteenth should be known (to hold good) if he is such a Śûdra" (XI. 126). But if the Kṣatriya is one who is possessed of personal merits it should be taken that the penance should last for four years and a half. And by the term 'Vṛitta' ('a good line of behaviour') good personal (*l*) qualities etc. are signified. For says the text of MANU, "Showing respect to Gurus, mercy, purity, truthfulness, restraining of the senses, and taking to what is beneficial,—all such is termed Vṛitta."

The above for unintentionally killing a Kṣatriya etc. who has no special qualities to boot.

Penance for four years and a half if the Kṣatriya slain has special qualities; one year and a half if he is such a Vaiśya; nine months if he is such a Śûdra (the act being unintentional).

Personal qualities.

615. And (there is the) text of VṚIDDHA-HÂRÎTA which says, "Having slain a Kṣatriya, a Brâhmaṇa shall observe for (a period of) six years the vow (of penance prescribed for Brâhmaṇa slaughter). A Brâhmaṇa who has slain a Vaiśya shall in this manner observe the vow (of penance) for three years. And having slain a Śûdra he shall observe (the vow of penance) for one year and (make a gift of ten) cows (along with a) bull (forming) the eleventh." But that refers to the (case where the) act (is) committed intentionally.

Six years' penance for intentionally killing a Kṣatriya; three years' for slaying a Vaiśya; one year's for slaying a Śûdra.

(*l*) N. omits *âtma*, personal.

Nine, six, and three years' penance respectively where the Kṣatriya, Vaiśya, and Sûdra possess extra special qualities.

And for having killed a Kṣatriya etc. who happen to be Śrotriyas that (penance) laid down by VRIDDHA-HÂRÎTA should be taken (to hold good): "Where a Kṣatriya is slain, the vow (of penance is) three-fourths of that (laid down) for a Brâhmaṇa-slayer. One-half of it should be performed for slaying a Vaiśya, and a one-fourth of it for (slaying) a Śûdra." Next (there is) the text of VASIṢṬHA which says, "Having slain a Kṣatriya, a Brâhmaṇa shall observe the vow (of penance) for eight years, six (for slaying) a Vaiśya, and three (for slaying) a Śûdra," and even that refers to the same (case) as the text of HÂRÎTA. Thus much is the difference that the Kṣatriya (who is slain should be) slightly inferior in (the matter of) good qualities (to the one mentioned by HÂRÎTA).

Twelve years' penance if the Kṣatriya slain was a Srotriya and possessed of personal merits too.

Further, when he happens to be a Śrotriya as well as one possessed of special merits, then it must be noticed that (the penance is that) lasting for twelve years as it is laid down by ÂPASTAMBA: "Having slain a man belonging to the two first-mentioned Varṇas who has studied the Veda *etc.*" (I. xxiv. 6). If a Kṣatriya etc. who, (though) are not Śrotriyas, have (yet) begun to perform a sacrifice, are slain (the following) should be noticed (to hold good): "He who slays a Kṣatriya or a Vaiśya who is engaged in (performing) a sacrifice shall observe the vow (of penance prescribed) for a Brâhmaṇa-slayer."

Twelve years' penance for slaying a Kṣatriya engaged in performing a sacrifice.

If the slain Kṣatriya was a Srotriya and engaged in performing a sacrifice at the time, then six years' penance and making a gift of one thousand cows and a bull.

If the Kṣatriya etc. (who are killed are), on the other hand, Śrotriyas and engaged in (performing) sacrifices, then to the Brâhmaṇa (who happens to be slayer, the penance is) a combination of gift-making and performing the penance as laid down by GAUTAMA: "For slaying a Kṣatriya (the penance is) the foresaid (typical vow of) Brahmacharya (*m*); and (the expiator) shall also make a gift of (one thousand) cows (along with a) bull (forming) one thousand and onth (III. iv. 14.) For killing (such) a Vaiśya (that penance shall be performed) for three years, and (the expiator) also shall make a gift of (one hundred) cows (along with) a bull (forming) the hundred and onth (III. iv. 15). And for killing a Śûdra (that penance is to be performed) for one year, and also the expiator shall make a gift of (ten) cows (along with a) bull (forming) the eleventh" (III. iv. 16).

Proportionate penances for slaying a corresponding Vaiśya and Śûdra.

(*m*) The original word *prâkṛita-brahmacharya* has been translated by Buhler as 'normal vow of continence,' but HARADATTA interprets it as *svâbhâvikaṃ khatvâṅgâdirahitam*, which indicates that it is the Brahmacharya prescribed for Brâhmaṇa-slaughter—with the exception of wearing a foot of the bedstead and the like particular emblems—and hence the above translation.

616. This refers to (the case where the act is committed) unintentionally (*n*). For says the text of ŚAṄKHA: "For having slain men of the four Varṇas unintentionally as before, (the penance) should be prescribed (as lasting for) twelve years, six, three, and one and at the end of those (penances), (the expiator) shall make a gift of one thousand cows, half of that number, half of the latter, and half (of the last number) respectively in each case." And this (vow of penance) which lasts for twelve years is the same as that (to which) the text of GAUTAMA refers, and it should be noticed (that it holds good) where the Kṣatriya (slain) is slightly inferior in the (matter of good qualities and the Vaiśya and Śûdra, slightly superior in the (matter of) good qualities.

The above refers to a case of unintentional slaying.

617. As it is mentioned without any special reference (*o*) in the category of the minor sins, the law (relating to the application) of the general and special rules exerts its force (*p*) and also the penances that come in general for the minor sins are to be taken into account in these (cases). In that (case) if a Kṣatriya etc. who take themselves to a bad line of conduct are killed intentionally, the penances lasting for three months (*q*), two months, and a Chândrâyaṇa, which are prescribed by MANU should be taken (to hold good) in the order of the Varṇas. But if the act is unintentional, the penances laid down by YÂJÑAVALKYA, (namely,) making of a gift of (ten cows (along with a bull (forming the eleventh coupled by a fasting for three days subsisting on Pañchagavya for one month, and the vow of (subsisting on) milk for one month should be taken to hold good) in the order.

Ordinary penances for minor sins if the Kṣatriya etc. slain were immoral persons.

(*n*) It is important to note that with regard to the text of GAUTAMA here cited, HARADATTA and VIJÑÂNEŚVARA hold opposite views with regard to the act being intentional or unintentional. The former in his commentary observes *idam abhiṣiktasya śrotriyasya vratavato buddhi-pûrva-vadhe*, this (holds good) in the case where one who has had the installing aspersion of kings, is a Śrotriya, and is engaged in religious deeds, is slain deliberately. He further adds *eteṣâm eva-abuddhi-pûrve ardham kalpyam*, with regard to these very ones half the penance should be prescribed where the act is done unintentionally.

(*o*) G. N. and S. adopt the reading *viśeṣataḥ* with special reference, here. It must be noticed that there is nothing special there as in the case of "cutting down a tree for the purposes of firewood" (III. 240).

(*p*) G. and N. adopt the reading *gocharâbhâvât*, [as] does not make itself felt. This however is not correct as the author intends to convey that all these penances that have been noticed above refer to special cases while those that come in by the nature of those sins being minor are to be applied in all the general cases.

(*q*) G. reads *traivârṣikaṃ dvaimâsikaṃ*. lasting for three years, lasting for two months. N. reads *traimâsikaṃ traivârṣikaṃ, dvai*..........., lasting for three months, lasting for three years, lasting for two months,..........

618. And this collection of the vows (of penance) described above should be understood (to hold good) in (the case of) slaying a Kṣatriya etc. committed by a Brâhmaṇa In the texts of MANU, GAUTAMA, HÂRITA, and VASIṢṬHA, (which run as), "But having knocked down unintentionally a Kṣatriya, the best of the twice-born *etc.*" (XI. 127); likewise, "For slaying a Kṣatriya (the penance is) [for a Brâhmaṇa] the one lasting for six years" (III. iv. 14); likewise, "Having slain a Kṣatriya, a Brâhmaṇa *etc.*," and the like (r), as the reference is to a Brâhmaṇa, if the slaying of Kṣatriya etc. is done by a Kṣatriya etc. it should be noticed (that the penance holds good) a quarter (and a quarter) less. For says the text of VṚIDDHA-VIṢṆU: "If a Brâhmaṇa (is the offender) the whole (of the penance) should be prescribed (for him), and if a Kṣatriya it is declared a quarter less. (It is) half in (the case of a) Vaiśya, and it is ordained that it is only a quarter for the Śûdra castes." Next (there is) the text of AṄGIRAS (which says), "What constitutes a Parṣat (in the case) of Brâhmaṇas, it is admitted that it is twice (in the case) of Kṣatriyas, and it is declared that it should be thrice (in the case) of Vaiśyas. It is given out that the vow (of penance) is also in accordance with the Parṣat," but it has been pointed out in the Topic on (Penances for) Cow-Slaughter, that it refers in the inverse order (of the Varṇas) to (the cases of) abuse, assault, and the like.

All the above penances a quarter and quarter less in the order of the Varṇas if the slayer is a Kṣatriya etc.

619. This collection of penances does not hold good where a Mûrdhâvasikta and the like are slain, for they have not got the characteristic virtue of being Kṣatriyas etc. in them. Hence where they are slain a harder or a lighter one of the multitude of the vows (of penance) described above, should be prescribed in accordance with the legal punishment itself. And the higher or lighter (nature of the) punishment is shown in connection with (the text): "The inflicting of the punishment should be done by considering the superior and inferior (nature of the) Varṇas and castes."

Where Mûrdhâvasiktas etc. are killed penances should be devised as proportionate with the legal punishments.

Thus ends the Topic on Penances for Killing Kṣatriyas etc.

SECTION XXIII.—PENANCES FOR KILLING WOMEN.

620. (The sage) prescribes the penance for slaying women:

CCLXVIII. And having slain demoralized women (belonging to) Brâhmaṇa, Vaiśya, Kṣatriya and Śûdra (castes), one shall make a gift of a Druti, a Dhanus, a Basta, and an Avi in order for being purified.

(r) G., N., and S. are all badly punctuated with regard to this passage.

Having slain the wives of a Brâhmaṇa etc. who are demoralized, (that is,) who have turned out adulteresses, one shall in the order (*s*) make, for purification, a gift of a Druti, (that is,) a leathern bag for holding water, a Dhanus, (that is,) a bow, a Basta, (that is,) a goat, and an Avi, (that is,) a sheep.

Gift of a leathern bag etc. where demoralized women are killed.

621. And this (penance) refers to the case of unintentionally slaying a Brâhmaṇa woman and so on who bear men of the lowest castes by associating (themselves) with men of (their) inferior Varṇas. But if it is intentional, BRAHMAGARBHA states (the following penance): "(In the case) of (killing) women who bear (children that are to be classed among) the Pratilomas, and also of a Sûta-woman etc. produced of intermixture of castes, (the penance is) declared to last for four, two, and six months." In (the case of) killing a Brâhmaṇa woman or the like, (the penance is) that lasting for six months, (for) four (in the case) of a Kṣatriya woman, and (for) two in the case of a Vaiśya woman, and thus should be the syntactical order according to the propriety.

Penances lasting for six, four, and two months if slaying is intentional.

622. But when he slays a woman living by harlotry, then the gift consists of only a trifle, for says the text of GAUTAMA, "(When the woman slain had lived) by Vaiśika (*t*) a trifle (might be given away in gift)" (III. iv. 27). (That is to say,) when one living by Vaiśika or the occupation of a harlot is slain, only a trifle (need be) made over in gift, and that should be water (*u*). For says the text of AṄGIRAS: "For slaying a Brâhmaṇa woman, one shall drop a (water) bag into a well or (give it) to a Brâhmaṇa. (He should make a gift of) a bow (*v*) for killing a Kṣatriya woman, and, it is declared, a goat for killing a Vaiśya woman. If a Śûdra woman (is killed) (the gift shall consist of) a sheep, and a man for slaying a harlot shall make a gift of water." But, again, when a Brâhmaṇa woman etc. who had adulterous intercourses with people of her inferior Varṇas, (that is,) with a Kṣatriya and the like, then the penances prescribed for cow-slaughter should be prescribed according to the propriety of the case.

Penance consists of a 'trifle' of water etc. when a harlot is killed.

(*s*) VIJÑÂNEŚVARA seems to suppose that *krameṇa*, in the order, means in the order of mention. But APARÂRKA holds that it is in the order of the Varṇas *yathâ-varṇakramaṃ*.

(*t*) The available editions adopt the reading *Vaiśya* in all these cases. But on the authority of HARADATTA who says *vaiśikena veśyâkarmaṇâ*, by Vaiśika, (that is,) by the occupation of a harlot, and noticing that in the text of AṄGIRAS cited, the word *vaiśya* cannot occur twice (though the editions give it), we give the above translation considering one *vaiśya* ought to be *veśyâ*.

(*u*) HARADATTA has *aṣṭamuṣṭi bhavet kiñchit*, eight fistfuls make one Kiñchit, that is, a trifle technically so called.

(*v*) G. and N. give a wrong reading of *dhenuḥ* here. It ought to be *dhanuḥ*.

623. (The sage) prescribes (a) special penance for slaying a Brâhmaṇa etc. woman whose deflement is not excessive:

CCLXIX. Having slain a woman whose defilement is not excessive, (one) shall observe the vow (of penance prescribed) for slaying a Śûdra. 5

Same penance as for slaying a Śûdra where the woman killed was not much defiled.

When (one) slays, again, a Brâhmaṇa woman etc. whose defilement is not excessive, (that is to say,) who has committed adultery (only) to a small extent, then he shall observe the vow (of penance prescribed) for slaying a Śûdra, (that is,) (the penance) lasting for 10 six months etc. or else, he might make a gift of ten milch-cows.

Various penances according to the propriety of the case.

624. It should be noticed that this (penance) lasting for six months (holds good) when a Brâhmaṇa woman (of the described sort) is slain unintentionally, or (such a) Kṣatriya woman is slain (as an) intentional act. 15 For slaying a Vaiśya woman intentionally, one should make a gift of ten cows. But for having slain intentionally a Śûdra woman, (then the penance is) subsisting on Pañchagavya for one month coming in generally in its being a minor sin. When, however, one slays a Brâhmaṇa woman intentionally, then (the penance is) that lasting for twelve months. But when Kṣatriya 20 etc. women are slain unintentionally (the penance is that) lasting for three months, one month and a half, and twenty-two days and a half (respectively). Thus says PRACHETAS: "It is said that for slaying a Brâhmaṇa woman who has not yet reached her puberty (the penance is) Kṛichchhra for one year or for six months; for slaying a Kṣatriya woman (it is) for 25 six months or three months; for slaying a Vaiśya woman (it is) for three months or one month and a half; and for slaying a Śûdra woman (it is) for one month and a half or for twenty-two days and a half."

Penance for slaying a Brâhmaṇa woman who is a help-mate in religious duties is the same as for slaying a Kṣatriya and so forth.

625. That which, after establishing that "for (slaying) a Kṣatriya (there is the penance of the) foresaid (typical) Brahmacharya vow (pre- 30 scribed for Brâhmaṇa-slaying) for six years, for three years in (the case of) a Vaiśya, and one and a half in (the case of) a Śûdra," has been stated by HÂRÎTA thus, "In (the case of slaying) Brâhmaṇa woman, (the penance is) as in (the case of slaying) a Kṣatriya, in (slaying) a Kṣatriya woman 35 (it is) as in (slaying) a Vaiśya, and in (slaying) a Vaiśya (it is) as in (slaying) a Śûdra, but for having slain a Śûdra woman (it is) for nine months," should also be understood (to hold good) in the case of intentionally slaying women in whom can be found the characteristic virtue of being fit help-mates (in religious) duties. 40 On the other hand, if the act is unintentional, half (of those penances) should be prescribed in each case. But (the penance) for (slaying) an Atreyî has already been dealt with.

Thus ends the Topic on Penances for Killing Women.

SECTION XXIV.—PENANCES FOR CRUELTY TO ANIMALS.

626. (As they are suggested) in connection with the (topic on) penances for cruelty, (the sage) prescribes penances for slaying animals,—(acts) which are signified by the word 'Prakîrṇaka' ('miscellany'), and which do not come under minor sins: 5

And (having killed) one thousand living beings possessing bones and likewise a cart (-load) of boneless beings (he shall observe the vow of penance prescribed for slaying a Śûdra).

The penance for killing one thousand living beings with bones or a cart (-load) of boneless ones is the same as for slaying a Śûdra.

(For) having killed one thousand living beings possessing bones, (that 10 is,) the lizard and so on, for (the killing of) which no expiation is prescribed, and (for) having killed as (many as) would fill a cart, (that is,) a waggon, of boneless beings such as lice, bugs, flies, mosquitos, etc., one shall observe the vow (of penance pre- 15 scribed) for killing a Śûdra, (that is,) the aforesaid (typical vow of) Brahmacharya (prescribed for slaying a Brâhmaṇa) for (a period of) six months.

627. As (the rule) limits (the number) by (saying) one thousand, a harder (penance) is to be prescribed for killing more than that (number). 20

A harder penance for killing more than one thousand, and a gift of a Kiñchit or a Prâṇâyâma at each killing.

But when (the number is) less than that, (the sage) lays down that at each killing, "A Kiñchit shall be made over in gift for killing animals having bones, and for killing a boneless animal one Prâṇâyâma (shall be performed)" (III. 275). 25

Similarly, even this, "a (cart-load) of boneless (beings)" refers to the case of minute animalcula. But where bigger boneless beings, such

Subsisting on barley for three days for killing a worm, an insect, or the like.

as insects, are slain, it must be understood that what, after laying down by such texts, "Having killed a worm, an insect, a bird *etc.*" (XI. 70), the 30 sins that render one impure, has been laid down by MANU thus, "Having (committed such) sins as make one impure, one shall subsist on hot barley-gruel for three days" (XI. 125) (holds good).

628. And next: 35

CCLXX. Having killed a cat, a Godhâ, a mungoose, a frog, and birds, one shall (spend) three days (by) drinking milk, or perform a fourth (part) of a Kṛichchhra.

The cat and the like are well known, and the birds (referred to here) are Châṣas ('sparrows'), crows, owls, etc., and having killed them one shall

(subsist by) drinking milk for three (days and) nights, or he might observe a fourth (part) of a Kṛichchhra. Because of the word *vâ* ('or') (found in the text), he might even perform (the penance of) walking one Yojana and the like. Thus says MANU: "He might drink milk (during) three (days and) nights, or walk a distance of one Yojana, or take a bath in a river, or meditatively repeat the (Vedic) hymn (in praise) of the water-deity" (XI. 132). 5

Subsisting on milk for three days or one-fourth of a Kṛichchhra for killing a cat, a Godhâ, etc.

629. And this refers to each (case of) killing (one of such animals). But where, there is a series of killing, then that (penance) lasting for six months, thus laid down by MANU, should be taken (to hold good): "Having killed a cat, and a mungoose, a Châṣa ('sparrow') and a frog even, and a dog, a Godhâ, an owl, and a crow as well, one shall observe the vow (of penance prescribed) for slaying a Śûdra" (XI. 131). (There is) again, (that text) of VASIṢṬHA which (says), "Having killed a dog, a cat, a mungoose, a frog, a snake, a mouse, and a rat, one shall perform Kṛichchhra for twelve (days and) nights, and make a gift of something (to a Brâhmaṇa)" (XXI. 24), and that must be understood (to hold good) in (a case of) intentional repetition. The word 'Dahara' ('mouse') means a small rat or a musk-rat. 10 15 20

Penance for a series of such killing is the same as slaying a Śûdra.

A Kṛichchhra followed by a small gift where the act is intentionally repeated.

630. And more:

CCLXXI. In (the case of killing an) elephant five black bullocks, in (the case of killing) a parrot a calf aged two years, in (the case of killing) a donkey, a goat, a sheep and a bull, and in (the case of killing) a Krauñcha (bird) (a calf) aged three years shall be given in gift. 25

An elephant having been killed (by one), he shall make a gift of five black bulls. When the bird parrot (is killed) a calf of two years (shall be made over in gift). And if an ass, a goat, and a sheep are killed, one bull shall be made over in gift in each case. And if the Krauñcha bird (is killed) a calf aged three years (shall be made over in gift). (The word) *deyaḥ* ('shall be given in gift') should be taken in each case. 30 35

A gift of five black bulls, a heifer, etc. for killing an elephant, a parrot, etc. respectively.

MANU also points out (a) special (rule) in this connection: "Raiments should be given in gift for having killed a horse, (having killed) an elephant, five black bullocks, (having killed) a bullock, a goat, and a sheep, and having killed a donkey (a calf) aged one year" (XI. 136). 40

Gift of raiments for killing a horse, etc.

631. And next:

CCLXXII. Having killed a swan, a hawk, a monkey, carnivorous animals, water (birds), land (birds), peacocks, and also Bhâsa, one shall make a gift of a cow, but for killing animals that are not carnivorous, a heifer. 5

Gift of a cow for killing carnivorous birds and beasts.

Kravyâd ('a carnivorous animal') is so called because *atti*, it eats, *kravya*, raw flesh, and denotes (that) variety of animals as tiger, jackal, and the like, as (the word is seen) contiguously with 'monkey.' Similarly as swan and hawk are mentioned herons, eagles, and the like variety of 10 birds (are) also taken. By the term 'water (bird)' are understood cranes and the like found in watery (places), and by the term 'land (birds)' those found on land, the Balâka (*w*) and the like. A Śikhaṇḍin ('peacock') is a peacock, Bhâsa (*x*) is a variety of bird, and the rest are well known. (In case) of killing these, one cow shall be made over in gift at each 15 (killing).

Gift of a heifer for killing animals which are not carnivorous.

Next having killed animals that are not carnivorous, (that is to say,) deer and the like beasts, and the variety of birds such as Khañjarîṭa ('wag-tail'), one shall make a gift of a heifer. Just so has MANU: "Having killed a swan, a Balâka, a crane, and also a 20 peacock, a monkey, a hawk, and a Bhâsa, one shall make a gift of a cow to a Brâhmaṇa. And having killed carnivorous beasts, one shall make a gift of a milch-cow yielding large quantities of milk, (having killed) animals that are not carnivorous, a heifer, and having killed a camel, a Kṛiṣṇala of gold" (XI. 135—7). 25

632. And next:

CCLXXIII. (Having killed) snakes an iron rod is to be made over in gift, tin and lead in (the case of) an impotent (being), a vessel full of ghee in (the case of) a pig, a Guñjâ (*y*) in (the case of) a camel, and an Aṃśuka 30 ('cloth') in (the case of) a horse.

Gift of a sharp iron rod for killing a snake.

When snakes are killed, a rod of iron, sharp at the ends, is to be made over in gift.

Gift of tin or lead for slaying an impotent being.

633. When an impotent (being), (that is), one (which is) neither male nor female is killed, then a quantity of one Mâṣa of tin and lead, or 35 even a Palâla weight (of either), shall be made over in gift. For it is seen in another Smṛiti (as follows): "Having killed an impotent being one Palâla weight

(*w*) A sort of water-bird of the crane family.

(*x*) A vulture of that name.

(*y*) The same as Kṛiṣṇala said above.

of tin or lead shall be given away in gift." Although by the text of DEVALA which (says), "An impotent (being) is one who has no reproductive organ, and he is (one who is) not at all fit for the purificatory ceremonies to be performed for," any one who has not (got) either the male or female reproductive organ is 5 denoted (by the term 'impotent being'), yet it is not intended to signify here one of the kind of a cow or a Brâhmaṇa, for the prohibition of slaying a cow or a Brâhmaṇa does come in by the (very) distinguishing attribute of the (caste or) species. And in the case of an impotent (person) who has not (got) the reproductive organ, 10 there is the (special) feature of possessing the attribute of caste (to which he belongs), and a light penance has been laid down as occasioned by (killing such a person as possesses) that very (attribute). Therefore, and also for (the reason) that (the term) is mentioned in contiguity with birds and beasts, the birds and beasts only (of that sort) are 15 intended to be expressed here.

'Impotent' here has reference to birds and beasts alone.

634. When a pig, (that is,) a Sûkara ('hog') is killed, a vessel full of ghee shall be made over in gift. When a camel (is killed) one Guñjâ (weight of gold) shall be made over in gift. When a horse is killed, an Aṃśuka ('cloth'), (that is,) a 20 raiment, shall be made over in gift. Just so has MANU: "A Brâhmaṇa who has slain a snake shall make a gift of a sharp-edged iron rod, and in (the case of killing) an impotent being one Palâla weight of lead, or even one Mâṣa (of it), shall be made over in gift" (XI. 133). 25

Gift of a vessel of ghee for killing a pig; of one Guñjâ of gold for camel.

635. And next:

CCLXXIV. And in (slaying) a Tittiri ('partridge') one Droṇa of sesamum shall be made over in gift.

(But) being unable to make the (necessary) gift for (having slain) an elephant and the rest, one shall observe 30 the vow of Kṛichchhra for purification in each (case).

If the bird (known as) Tittiri ('partridge') is slain, one Droṇa of sesamum should be made (over in) gift. And the term 'Droṇa' is expressive of a certain measure (of grain etc.). For says the text of a Smṛiti, "Eight 35 fistfuls make one Kiñchit, and eight Kiñchits one Puṣkala. And four Puṣkalas, it is declared, (make) one Âḍhaka. Four Âḍhakas make one Droṇa, and this is the description of the measure" (z).

Gift of one Droṇa of sesamum for killing a Tittiri.

(z) 8 Fistfuls make 1 Kiñchit;
8 Kiñchits „ 1 Puṣkala;
4 Puṣkalas „ 1 Âḍhaka; and
4 Âḍhakas „ 1 Droṇa.

N. B.—As in I. 363, a fist of a medium size should be taken here.

636. When he has killed an elephant and the rest described above, and is, on account of possessing no wealth, unable to make a gift of five black bullocks and so on, he might, for the purpose of purification, perform a Krichchhra in each (case). And here the term 'Krichchhra,' it should be understood (to apply), to an austerity in general that is to be accomplished by tormenting (the body). Also (such penances) are described by GAUTAMA: "One year, six months, four (months), three (months), two (months), one (month), twenty-four days, twelve days, six days, three days, and one day and night are the periods (of penance). These alone may optionally be performed when no (particular penance) has been prescribed. (Only there should be) difficult (penances) for greater sins, and light ones for light sins" (III. i. 17-9).

A Krichchhra in each case if he cannot make the gifts prescribed for killing an elephant etc.

'Krichchhra' is a synecdoche here.

If the primary significance is accepted by the term 'Krichchhra,' then whether (it is) an elephant or a parrot (that is slain), a Prâjâpatya (penance) alone has to be performed. Indeed, that is not justified. But if it refers to penance in general, then by taking into account the substantial or light nature of the gifts (prescribed), it is possible (to determine) the heavy or the light nature of the penance also. And thus if an elephant (is killed) (the penance is) drinking of barley-gruel for two months, and if (it is) a parrot (it is simple) fasting. In the same way even in other cases, a penance is to be determined as proportionate to the gift (prescribed).

The amount of penance to be determined in accordance with the gift prescribed.

637. (The sage) further says:

CCLXXV. Having slain the animalcula that are produced in fruits, flowers, food, and articles of taste, one shall drink ghee.

For the killing of those animalcula, (that is,) minute creatures, that are produced in fruit such as wild fig, in flowers such as Madhûka, in food such as rice and barley-meal kept long, and also in articles of taste such as jaggery, drinking of ghee is the means of attaining purification. And this drinking of ghee is prescribed as an act of partaking a meal itself, for the penances are of the nature of austerities (*a*). And (the fact that penance is) of the nature of austerities is shown in the text of AṄGIRAS in attempting to explain the derivation of (the word) 'Prâyaśchitta' ('penance') thus: "What is known as *prâyas* is declared to be Tapas ('austerity') and *chitta* is declared (to be) Niśchaya ('resolve'), and that in which *prâyas* and *chitta* are combined is called *Prâyaśchitta*."

Drinking of ghee for killing small insects found in flowers, fruits, etc.

(*a*) How like a medical prescription this looks specially as we know that even the plague germs are destroyed in oily substances.

638. As the (mentioning of a) penance for (killing) each living being would be innumerable, and as it is hard to describe them all (one by one) even by him who is asked more and more (questions), (the sage) lays down a penance in general:

A Kiñchit shall be made over in gift for killing animals having bones, and for (killing) a boneless animal, a Prâṇâyâma (shall be performed). 5

A Kiñchit of something might be made over in gift for killing animals with bones, and one Prâṇâyâma for boneless ones.

For killing such living beings as fowls etc. that have bones, if (the number killed) has not yet reached one thousand, then, for each killing, a Kiñchit, (that is,) something, of grain, gold, etc. shall be made over in gift. But if (the animal killed is) boneless (then the penance is) one Prâṇâyâma. With regard to that Kiñchit, when gold is (being) given away (in gift), then it should be (as much as) one Paṇa, for says the text of SUMANTU, "One Paṇa shall be given away (in gift) for killing animals possessing bones." But when the material of gift is grain, then eight fistfuls (of it) should be made over (in gift), for says the text, "Eight fistfuls make one Kiñchit." 10 15

One Paṇa if gold, and eight fistfuls if grain.

Special penances themselves wherever prescribed.

639. And this refers to (the case of) killing animals for which no penance is prescribed. But where a special penance is laid down, that alone holds good in that (case). Thus says PARÂŚARA: "He who kills a swan, a Sârasa ('a water bird'), a Chakrâhva ('a ruddy goose'), a Krauñcha ('a curlew'), and a fowl, and also he who kills a peacock, and a sheep, are purified by eating (only) one meal a day. Having killed a Madgu, Tittibha, even a parrot, a pigeon likewise, an Âḍika, and a crane, one is purified by partaking of his meal at night. He who slays a Châṣa ('sparrow'), a crow, a pigeon, a Śâri, and a Tittiri is purified by one Prâṇâyâma (performed) standing in water at the time of both the Sandhyâs. He who kills the birds, eagles and hawks (b) and also owls, shall spend one day by eating raw things, and the time covering three meal-hours on air. Having killed a rat, a cat, a snake, an Ajagara (serpent), and snakes that are not poisonous, he shall feed Brâhmaṇas in each case and the gift (should) be an iron rod. He who kills a Sedhâ, a tortoise, a Godhâ, a hare, and a Śalyaka is purified by one day and night by subsisting on Vṛintâka fruits and Guñjâs. Having killed a deer, a 20 25 30 35 40

One meal a day for killing a swan and the like.

Night meal for killing parrot etc.

Prâṇâyâma in water for killing sparrows etc.

Raw food and abstaining from three meals for killing an eagle etc.

Feeding Brâhmaṇas and a gift of iron rod for killing a cat, a snake, etc.

Subsisting for a day on Vṛintâka etc. for killing Sedhâ or the like.

(b) MÂDHAVÂCHÂRYA's commentary points to the reading *gṛidhraśyenaśaśâdânâṃ*, eagles, hawks, and śaśâdas. A Śyena and Śaśâda are two different varieties,

Rohi (deer), a boar, a sheep, and a goat, one, and also he who has killed a wolf, a jackal, a bear, and a leopard, shall make a gift of one Prastha of sesamum, and live on air for three days. For having killed an elephant, a ram, a horse, a camel, and a Gavaya(*bb*), the penance (lasts) for one day and night and (consists in) bathing at the three Sandhyâs. He who slays a donkey, a monkey, a lion, a spotted tiger, and a tiger attains purification by three days and nights by feeding the Brâhmaṇas" (*c*).

Gift of sesamum and fasting for three days for slaying a deer or the like.

Fasting and bathing for killing an elephant etc.

Feeding of Brâhmaṇas for slaying a donkey or a monkey.

In the same way, a settlement of the cases to which even the other Smṛiti texts refer should be determined by considering the peculiarities of place, time, etc.

Thus ends the Topic on Penances for Cruelty.

SECTION XXV.—PENANCES FOR CRUELTY TO PLANT LIFE.

640. It has been said to point out that "cutting down a tree for the purposes of firewood" (III. 240) is a minor sin, and occupied by the topic on cruelty, the sage draws it back, though it is mentioned in a different order, and lays down a penance for that (sin):

CCLXXVI. For having cut down trees, shrubs, creepers, and spreading creepers, one hundred times shall the Ṛiks be meditatively repeated. For cutting down plants unless for (sacred) purposes, one shall for one day follow cows and subsist on milk.

For cutting down, unless for the invisible purposes of sacrifices and so on, mango, bread-fruit (*d*), and the like trees, and also shrubs and so on, one shall meditatively repeat one hundred of the Ṛiks, such as of Gâyatrî. But for having cut down plants, growing in a village as well as in the forest without any sacred purpose whatever, one shall for one day, that is, during the entire course of the day, follow cows for the purposes of (rendering them) service, and drink milk at the end without having recourse to any other kind of food. And if (the cutting is) for the purposes of Pañchayajña, there is no violation of the rule.

Meditative repetition of Gâyatrî for cutting down fruit trees.

Following cows and drinking milk for one day for cutting plants and shrubs.

(*bb*) A species of ox, the Gayal, Bos Gavæus. Monier Williams says that it is "erroneously classed as a species of deer."

(*c*) These verses differ much from those to which the commentary of MÂDHAVÂCHÂRYA points. Cf. Ch. VI, PARÂŚARA Smṛiti.

(*d*) Artocarpus Integrifolia.

An exception in the case of ploughing.

641. And this should be understood (to refer) to (the trees) that are useful by way of (yielding) fruits etc. For says the text of MANU: "But, for having cut down trees that bear fruit, shrubs, climbing plants, and creepers, and also of spreading creepers that have got flowers, one hundred 5 times shall the Ṛiks be meditatively repeated" (XI. 142). Although it is for visible purposes, yet if it is for ploughing which forms part of tilling, then there is no violation of the rule. For says the text of VASIṢṬHA: "One shall not do harm to trees that bear fruits or flowers. But he might do (them) harm for the purposes of extending cultivation" (XIX. 11-2). 10

A harder penance in consideration of circumstances, place, time, etc.

642. But where the penance is excessive according to the special nature of the place (where the trees etc. grow), in such cases, a greater penance too should be prescribed. It is thus stated: "(In the case) of trees growing on the borders of a pleasance or a crematory, in a holy place, 15 in a place sanctified for the gods, and then in the case of famous trees, the penalty is twice" (II. 228).

Two days' fasting or the like for Śûdras.

643. And this meditative repetition of the Ṛiks one hundred times does refer to the case of the twice-born (classes) and not to the case of Śûdras and the like, for they 20 have no right to the meditative repetition (of the Mantras). Hence (in the case) of them (penance of fasting) for two (days and) nights etc. should be prescribed in proportion to the (corresponding) penalty.

644. Even the penance that comes in in general for its being a minor sin holds good in this case so that it may not be superfluous that it is 25 mentioned with particular reference in the midst of minor sins. And that being excessive, it must be ascertained that it refers to the case of repetition (of the sin).

SECTION XXVI.—PENANCES FOR BEING BITTEN BY PUMŚCHALÎ ETC. 30

645. As the topic is that of the penances for the killing of a Puṃśchalî, a monkey, and the like, (the sage) prescribes a penance occasioned by their bite:

CCLXXVII. He who is bitten by a Puṃśchalî, a monkey, or a donkey, or by a dog, a camel and the like, 35 and crows, is rendered pure by performing one Prâṇâyâma (standing) in (the midst of) water, and partaking of ghee.

Prâṇâyâma in the midst of water and drinking ghee for being bitten by a Puṃśchalî etc.

A Puṃśchalî ('harlot') and the rest are well known, and a man who is bitten by such is purified by performing one Prâṇâyâma (standing) in the midst of water and drinking ghee. By the use of (the term) *âdi*, "and the 40 like," a jackal and the like are also to be taken. Thus says MANU: "He who is bitten by a dog, a jackal, and a donkey,

also by the carnivorous animals living in villages, and also by man, horse, camel, and pig is purified by (performing) one Prâṇâyâma."

Ghee a substitute for meal.

And this partaking of ghee should be taken to be a substitute for the meal, for penances are of the nature of austerities and are intended to cause hardship to the body. 5

646. And this refers to the case of one who is not able to (undergo any harder penance). (There is) that text of SUMANTU which (says), "(The penance) for those who are stung by a dog, a jackal, a deer, a buffalo, a goat, a sheep, a donkey, a young elephant, a mungoose, a cat, a rat, a water bird, a crane, a crow, and a man is a bath-rite with (the Mantra) *Âpo hi ṣṭhâ etc.* (e), and a treble Prâṇâyâma," and it refers to the case of a slight bite in the regions below the navel. Next (there is) the text of AṄGIRAS which says, "A Brahmachârin who is bitten by a dog shall for three days drink milk in the evenings, but if he (who is bitten) is a householder (the same is for) two days, and if (he is one) who keeps the Sacred Fires (the same is to be observed for) one day. But where one is bitten (in the region) above the navel, the very same (penance holds good, but) double (must it be done). Thrice that is (the penance) if (the bite is) on the face, and if on the head, it is four times," but that refers to the case where the bite is severe. And in the case of a Kṣatriya and Vaiśya, a quarter and a quarter less should be prescribed. But in the case of a Śûdra that should be taken (to hold good) which has been prescribed by BṚIHAD-AṄGIRAS thus: "The purification (in the case) of Śûdras is by fasting or else by making gifts, or a cow and a bull might be given away for the purposes of purification to a Brâhmaṇa." Also (there is the) text of VASIṢṬHA which says, "But a Brâhmaṇa who has been bitten by a dog, becomes pure by going (to bathe) in a river that flows into the ocean, performs Prâṇâyâma one hundred times, and drinks ghee" (XXIII. 31), and that refers to the (case where the) bite is on the head.

Bath-rite and a treble Prâṇâyâma for a slight bite below the navel. 10

Drinking of milk in the evenings for three days, two, and one when a Brahmachârin, a householder, and he who keeps Sacred Fires are (respectively bitten by a dog). 15 20 25

Fasting and gift in the case of a Śûdra. 30

647. Next in the case of women that should be taken to hold good which has been laid down by PARÂŚARA thus: "And a Brâhmaṇa woman who is bitten by a dog, by a jackal, or by a wolf, is purified instantaneously by looking at the rising stars and planets" (V. 7). With regard to her, on the other hand, who is observing a Krichchhra or the like (penance) a special (rule) has been laid down by that very (authority): "But she who is observing (f) a vow, if bitten by a dog, should observe fasting only for three (days and) nights

A Brâhmaṇa woman bitten by a dog is immediately purified by looking at the rising stars and planets. 35

Three days' fasting and subsisting on barley-gruel and ghee for the remaining period if she is bitten while observing a vow. 40

(e) Ṛigveda VII-vi, 5. 1-3.

(f) G. and N. adopt the reading *Suvratâ*.

and by drinking barley-gruel mixed with ghee, she must finish the remaining portion of the vow." Also in the case of a woman in her courses, a special (rule) has been laid down by PULASTYA: "When a woman in her courses is bitten by a dog, a jackal, or an ass, she is purified by abstaining from food for five (days and) nights and (drinking) Pañchagavya. But if (the bite is) above the navel (the penance is) double, and likewise treble if on the face. It is declared (that it is) four times if (the bite is) on the head, and if under other (conditions) there is no extending (of the penance)." 'Under other (conditions)' (means) when she is not in her courses.

Five days' fasting and drinking Pañchagavya if bitten while in her courses.

Extent of the penance regulated by parts of the body bitten.

648. But if one is defiled by the nose etc. of the dog and the like, a special (penance in) his (case) has been laid down by ŚÂTÂTAPA thus: "(In the case) of him who is touched by the nose of a dog, or of him who is scratched by its claws, the purification is washing with water and warming over the fire." (The word) 'Upachûlana' (which is used in the original means) warming.

Washing and warming if defiled by the nose or claws.

649. But when in the wound caused by the bite of a dog or by the stroke of a weapon, germs appear, then a special (course) has been laid down by MANU: "In the appearance of a wound of a Brâhmaṇa wherein are found pus and blood, if germs appear, how then can penance be (effected) (in) his (case)? He shall with the urine and dung of the cows take a bath at the three Sandhyâs and subsist on Pañchagavya for three (days and) nights. And if it is below the navel, he is purified (this way). If in the wound produced (in the region) between the navel and the neck, if germs too appear, (then) it is declared (that the penance is) subsisting on Pañchagavya for six (days and) nights and three days (respectively)" (*g*).

Bathing with cow's urine and dung and subsisting on Pañchagavya if germs appear in the wound.

A harder penance if in the upper part of the body.

In these cases, if the wound is consequent upon the dog-bite, this penance should be observed after the penance for its bite (has been performed). But when the wound has been caused by weapons etc. this (bathing is in) itself is the penance and the following is in addition (*h*), (namely), 'He shall subsist on Pañchagavya for three days *etc.*' But in the case of a Kṣatriya and the rest, it should be determined as being a quarter and quarter less with regard to each Varṇa.

(*g*) S. adopts the reading *Ṣaḍrâtraṃ cha tadâ*, then for six (days and) nights. The other reading is *Tryahaṃ*, three days, in place of *tadâ*, then, and if that is adopted, two penances are prescribed, one for the wound caused by the dog-bite, and the other with regard to that caused by a weapon.

This is decidedly a hygienic treatment. As another example itches are often cured by washing the parts affected in fresh-drawn cow's urine, —" Sure and harmless remedy as observation points out."

(*h*) N. reads *Śeṣaḥ*, the ellipsis (should be supplied) as.

SECTION XXVII.—PENANCES FOR WET DREAMS AND OBSERVING OF ONE'S SHADOW IN WATER ETC.

650. As suggested by the topic on penances for bites causing an incision of the skin element of the body, (the sage) goes on to lay down a penance for (the occurrence of) a (nocturnal) emission disturbing the final 5 element of the body:

CCLXXVIII. He shall pronounce the two Mantras *Yanme(a)dya retaḥ etc.* over the discharged semen and touch with it the (region) midway between the nipples and that midway between the eyebrows by his (right) 10 ring-finger.

If for some reason, even though there is no cohabitation with women, the final element (of the body) is unexpectedly discharged, then he shall pronounce the two Mantras, *Yat me adya retaḥ prithivîṃ askan* ('that semen of me which has now 15 dropped down on the earth'), *Punar mâm etu indriyam* ('may that virility get back unto me'), over the semen that is discharged. Also with that semen over which the Mantras have been pronounced, he should touch the part midway between the nipples and (that) between the eyebrows by his (right) ring-finger. 20

Penance for nocturnal emissions.

651. (A suggestion). But some say that as the semen discharged has (about it the character of) being impure, it is not fit to be touched with, and (the word) *tena* ('with it'), by its contiguous relation with *anâmikayâ* ('by the [right] ring-finger'), tends to indicate the thumb that was uppermost in (the sage's) mind, and that (thumb) has been 25 indicated by *tena* lest the (rules of) versification be violated had the word *aṅguṣṭha* ('thumb') also been employed and the (text made) to read *tenâṅguṣṭhenânâmikayâ cha* ('by that [right] thumb as well as the ring-finger').

(Refuted). That is not right, for the word *aṅguṣṭha* was not at all 30 uppermost in (the sage's) mind. Nor is it justified in fact to bring in what there might have been in one's mind by giving up (the idea) that is couched in (his) words. It is thus said: "To a meaning that is being cognized (by express words) no limitation is recognized whether by other words or by (the suggestive power of) case endings, (as) for example, *Dhûmaḥ* 35 ('smoke') *ayaṃ* ('this') *jvalati* ('burns')." Nor is (it a fact that inasmuch) as the semen (discharged) has (about it the character of) being impure, it is unfit (*i*) to be touched (in any case whatever). By the very rule (that lays it down so), it is understood that it is fit to be touched for the purposes of the nature of penance, just as Surâ (is) in drinking 40 which is of the nature of a penance.

(i) G. and N. give the wrong reading *Sparśayogyatvam*, fit to be touched, ...

652. And this penance refers to a Gṛihastha alone (whose semen) is discharged without (any) intention on his part, for in the case of a Brahmachârin, (if that occurs) in (the condition of) sleep or in wakeful conditions, a harder penance is seen described. Also (there is a) text of YAMA (*j*) which says, "If a Gṛihastha, out of intention, cause the discharging of his semen on the ground, he shall meditatively repeat Gâyatrî one thousand times along with three Prâṇâyâmas," and it refers to the case where the act is done intentionally.

A harder penance in the case of a Brahmachârin, or a Gṛihastha in whose case there is intention.

653. And next:

CCLXXIX. Having seen his shadow in water he shall meditatively recite (the Mantra) *Mayi tejaḥ*, and if it is seen in an impure substance he shall recite Sâvitrî, and also for fidgetiness and even (speaking of) falsehood.

When his own shadow that is reflected in water is seen, one should meditatively recite this Mantra, *Mayi tejaḥ indriyam etc.* But if it is seen in an impure substance, he should meditatively repeat Sâvitrî, (that is,) the Ṛik (in praise) of the deity Sâvitṛî, (that is to say,) *Tatsavitur etc.* (*k*).

Meditative repetition of the Mantras for seeing one's own reflection in water or impure substances.

Similarly that very (Ṛik) is to be meditatively repeated for being fidgety in speech, hand, foot, and the like, and also for uttering falsehood.

654. This should be understood to (hold good) when the act is done intentionally. But when the act is unintentional, the Âchamana laid down by MANU should be understood (to hold good): "Having slept, eaten, sneezed, thrown out (the phlegm), and spoken falsehood, and drunk water, and when beginning to study, one shall perform an Âchamana though he is pure" (V. 145). And (there is) the text of SAMVARTA which says, "When one has sneezed, or thrown out phlegm, when (something) sticking to the teeth falls down, having spoken falsehood likewise, and having talked to persons who have suffered degradation (from caste), one shall touch his right ear," but that should be taken (to apply) to cases of very little consequence or when water is hard (to get).

An Âchamana would do for such acts if there is no intention.

Touching the right ear if the act is of very little consequence or when water cannot be had for Âchamana.

655. After (mentioning) the "killing of a woman, a Śûdra, a Vaiśya, and a Kṣatriya," the (sin of) "living by prohibited wealth" (III. 236) is mentioned. And in that (case) the penances for minor sins laid down by MANU and YÂJÑAVALKYA should be understood (to hold good)

The general penances according to propriety for living by prohibited wealth.

(*j*) N. has MANU.

(*k*) Ṛigveda III. iv. 10. 5.

(the partcular one being determined) with reference to the caste, ability, quality, etc. (of the expiator).

Kṛichchhra for infidelity and Atikṛichchhra for earning livelihood by it.

656. Even in the case of infidelity, those penances are to be applied in that very manner. By the word 'Nâstikya' ('infidelity'), is signified the reviling of the Veda, 5 and making a livelihood by it, and in both of those cases, a different penance too has been prescribed by VASIṢṬHA (thus): "An infidel shall perform a Kṛichchhra (penance) lasting for twelve days, and give up his infidelity. But he who makes a livelihood by his infidelity shall perform an Atikṛichchhra (and) give up 10 his infidelity" (*l*) (XXI. 29-30).

General penances for repetition of the act.

But this refers to an act which is but once committed. The penances (laid down) for minor sins refer to the (cases where the act is) repeated.

One year's subsistence on food begged at Brâhmaṇa's houses or severe austerity if the habit has lasted long.

657. Next (there is the text) which is stated by ŚAṄKHA thus, "An 15 infidel, one who lives by infidelity, an ungrateful person, a fraudulent man, and he who brings false charges,—these shall subsist by collecting alms in the houses of Brâhmaṇas;" and also (that) which, after beginning (the topic) as "An infidel and he who lives by infi- 20 delity *etc.*," is stated by HÂRÎTA as, "shall perform austerity in the midst of five (fires), staying in rain, and remaining in water during the hot, rainy, and cold seasons respectively;" and both of them refer to the case where the habit has lasted for a long time out of excessive wrong sentiment. 25

SECTION XXVIII.—PENANCES FOR BREACH OF VOW ETC.

658. After infidelity (was mentioned) it has been said, "breach of vow as well." As an Avakîrṇin ('a Brahmachârin who has committed an act of incontinence') is not well known, (the sage) first gives his definition and (then) lays down the penance in that (case): 30

CCLXXX. (He who is) a Brahmachârin becomes an Avakîrṇin by cohabiting with a woman. He is purified by immolating an ass as a sacrificial animal (to) the god Nirṛiti.

A Brahmachârin who commits an act of incontinence shall immolate an ass for Nirṛiti.

A Brahmachârin, whether an Upakurvâṇaka ('he who returns home 35 after study') or a Naiṣṭhika ('he who stays lifelong with his preceptor'), if he cohabits with a woman, becomes an Avakîrṇin. Avakîrṇa is the emission of the final element (of the body), and he who has

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(*l*) Buhler translates *Nâstikavṛitti* as 'one who receives subsistence from atheists.'

had that is an Avakîrṇin. Such a person is purified by performing a sacrifice with an ass as the sacrificial animal intended for the god Nirṛiti.

Although it is established that the ass has the nature of a Paśu ('animal'), yet, the mentioning of the term 'Paśu' ('animal') is to bring in (the rites which are as good as) involving a Paśu ('animal') and laid down 5 in the Gṛihya (Sûtras) by ÂŚVALÂYANA and others thus: "Then the rules (relating to the rites with) Paśus" (I. xi. 1).

Immolation of an ass at night in a forest or on a cross-way and the offering of it in the ordinary fire.

659. Next, this should be performed in a forest, in a place where four ways meet, in the ordinary fire. For says the text of VASIṢṬHA: "If a Brahmachârin cohabits with 10 a woman, he shall in the forest, where four paths meet, immolate an ass (and offer it) intended for the god Nirṛiti in the ordinary fire" (*m*) (XXIII. 1). Likewise that sacrifice (is to be) performed at the time of night, and with an ass which has one defective eye. Just so (has) MANU: "But an Avakîrṇin 15 shall, in a place where four paths meet, make burnt offerings at the time of night with an ass blind in one eye after the manner of Pâkayajña" (XI. 118). Failing (to procure) an animal (suited), the offerings might be made with Charus. For says the text of VASIṢṬHA thus: "Or he might

Or he might offer Charu failing (to procure) an animal suited.

offer the Charu to Nirṛiti. Out of it (he) must make 20 the (following) offerings,— (This offering is) to Kâma ('Love') Svâhâ; ('this offering is') to Kâmakâma ('who desires to have what he loves') Svâhâ; ('this offering is') to Nirṛiti, Svâhâ; and ('this offering is') to the demon-gods, Svâhâ" (XXIII. 2—3). 25

If better fitted one year's typical Brahmacharya penance and wearing of the ass's hide in addition to the foresaid offering.

660. And this refers to the case (where the expiator) is not able (to undertake harder penances) But (in the case) of one who is able to perform such, it should be understood that, in addition to the sacrificing of an animal or the making of burnt offerings of Charu, (a form of) 30 austerity also lasting for one year (becomes necessary) as it is laid down thus by GAUTAMA: "An Avakîrṇin shall offer an ass to the god Nirṛiti in a place where four paths meet. He shall put on the skin of that (very animal) with the hair turned outside, and taking a red (earthenware) vessel, he shall go to seven houses to collect alms pro- 35 claiming the deed he has committed. (Thus) he is purified in one year" (XXIII. 17—9).

Bathing at the three Savanas and eating an only meal a day in addition.

Similarly bathing at the three Savanas and partaking of meals only once (a day) should be understood (to hold good). For says the text of MANU: "When this sin is 40 contracted, he shall put on the skin of the ass, and proclaiming the deed he has committed go to seven

(*m*) Buhler translates *Rákṣasa* as Râkṣasas (the goblins). Nirṛiti of course is a Râkṣasa.

houses to collect alms. On the alms obtained from those (houses), he should subsist (taking a meal) (only) once a day. He shall (also) bathe at the three Savanas, and is (thus) purified in one year" (XI. 122-3).

The penance to last for three and two years respectively if the offence is with meritorious Brâhmaṇa and Kṣatriya wives of a Srotriya.

661. And this (penance) lasting for one year should be understood (to refer to the case where he had discharged his 5 semen) in the wife of a Brâhmaṇa, who is not a Śrotriya, or in a Vaiśya woman who is the wife of a Śrotriya. But when he discharges it in a Brâhmaṇa or a Kṣatriya woman, full of (excellent) qualities, who is the wife of a Śrotriya, then it should be 10 understood (that the same penance is) to last for three years and two years respectively. Thus say ŚAṄKHA and LIKHITA: "He who discharges his semen in a Vaiśya woman who is protected (by her husband), he shall for one year observe (bathing at) the three Savanas, if it is in a Kṣatriya woman for two years, and if in a Brâhmaṇa woman for three years" 15

Six months' penance, if the woman with whom he errs is not chaste.

662. (There is the) text of AṄGIRAS which (says): "And when the act of incontinence necessitates (a penance) (a Brahmachârin) shall, wearing Chîra ('bark') cloth observe for six months the vow (of penance laid down) for Brâhmaṇa-slaying, and is in that manner 20 freed from (that) sin," and that refers to (the same case as) the text of MANU laying down one year's penance, but (where the act is committed) unintentionally, or (refers) to the case where the woman (had been) somewhat adulterous. On the other hand, if (the act is committed) with women who are excessively profligate, it should be understood that what 25 has been stated by ŚAṄKHA and LIKHITA (holds good): "He who discharges (his semen) in a Śûdra woman (who is) profligate, he shall bathe along with his clothes and make a present of a vessel filled with water to a Brâhmaṇa. If (it is) in a Vaiśya woman (who is profligate) 30 he shall partake of food at the fourth meal time, and feed the Brâhmaṇas and offer a Bhâra of fodder to the cows. If (it is) in a Kṣatriya woman (who is proiflgate) he shall fast for three (days, and) nights and make a gift of a vessel full of ghee. If (it is) in a Brâhmaṇa woman (who is profligate) he shall fast for six (days and) nights and also make a gift of 35 a cow (*n*). If (it is) in a cow, he shall perform a Prâjâpatya (penance). And if (it is) on a woman who has no womanhood (in her) he shall make a gift of one Bhâra of husk and also one Mâṣa of lead."

Lighter penances where the woman had been extremely profligate.

Unnatural offences.

663. And this penance for the act of incontinence is the same in 40 the case of Brahmachârins of all the three Varṇas. For says the text of ŚÂṆDILYA, "An Avakîrṇin, whether he is a Brâhmaṇa, a Kṣatriya, or

(*n*) S. omits this sentence.

even a Vaiśya, shall offer a sacrifice with an ass, shall subsist on alms, and being always self-restrained is purified in one year."

664. When he discharges the final element intentionally without any cohabitation with women, whether during the day or at the time of sleep, then it should be understood that mere Nairṛita sacrifice (is sufficient). For only the sacrifice has been extended (to this case) by VASIṢṬHA thus: "This very (penance must be performed) where one voluntarily defiles himself or sleeps during the day" (XXIII. 4). In the midst of vows other (than Brahmacharya), (that is, of the vows of) Kṛichchhra, Chândrâyaṇa, and the like, to which Brahmacharya has been extended, if there is such a discharge, this very sacrifice (should be performed) and nothing more (is necessary). For it has been extended (to it) by that (VASIṢṬHA) himself thus: "This is so even (when a seminal discharge takes place) in the midst of other vows" (XXIII. 4). But when the emission is during sleep, then what is laid down by MANU thus should be understood (to hold good): "Having discharged semen during sleep unconsciously, a Brâhmaṇa who is a Brahmachârin, shall bathe, worship the Sun-god, and meditatively repeat thrice the Ṛik *Punar mâm etc.* ('again me' etc.)" (II. 181).

Nairṛita sacrifice for self-defilement.

This very sacrifice if during the vows necessitating Brahmacharya.

Bathing, worshipping the Sun-god, etc. where a Brahmachârin has nocturnal emission.

665. (In the case) of Vânaprasthas and others, if the (rule of) celibacy is violated, this very vow (of penance laid down) for an Avakîrṇin increased by three Kṛichchhras (is the penance). For says the text of ŚÂṆḌILYA: "There being a seminal discharge committed intentionally, a Vânaprastha as well as a Sannyâsin, shall observe the vow (of penance laid down) for an Avakîrṇin coupled by a treble Parâka." When one by taking back to (the mode of) householder's life forfeits his Sannyâsa, then that stated by SAṂVARTA should be taken (to hold good): "Having embraced Sannyâsa, if any man wanting in sense would revert (to householder's life), he shall, with due attention, perform the Kṛichchhra (penance) for six months thereafter." 'Pratyâpatti' (in the original means) adopting (again) (the mode of a) householder's life. It is with this very view that VASIṢṬHA has said: "He who having been a Sannyâsin does again take to cohabitation with women is born a worm in ordure for sixty thousand years." And similarly (has) PARÂŚARA: "That Brâhmaṇa who has become a Pratyavasita by turning back from his Sannyâsa, or also he who gives up his vow of complete abstinence (from food), if he would take to the householder's life (again), shall perform a treble Kṛichchhra, a treble Chândrâyaṇa, and be purified by all the purificatory ceremonies beginning with Jâta-karman ('natal ceremony') and is (thus) purified." With regard

This very vow coupled by a treble Parâka if he is a Vânaprastha or Sannyâsin.

Six months' Kṛichchhra for reverting to householder's life from Sannyâsa.

A treble Kṛichchhra, a treble Chândrâyaṇa, and all the sacramental ceremonies afresh for reverting to householder's life from Sannyâsa.

to these, (the penance of) a Krichchhra for six months as well as (the performance of the) purificatory ceremonies (to be performed) again (is to be taken to be necessary in the case) of a Brâhmaṇa; a treble Chândrâyaṇa (in the case) of a Kṣatriya; and a treble Krichchhra (in the case) of a Vaiśya. This is the settlement or the three penances might be held as applying (in the case) of a Brâhmaṇa himself with reference to his ability, (the act being committed) once, or (it being) repeated (as the case may be) (*o*).

666. Similarly even in the case of those who try (according to the manner permitted by the Śâstras) to seek death or of such (people) as renounce (the world), a penance has been prescribed by YAMA, thus: "Those who have (tried but) returned from (their determination to die from) water, fire, or halter, those who have violated the vow of Sannyâsa or (complete) abstinence from food, and those who revert from (trying to die by means of) poison, fall, fasting to death, or strokes of weapons,—these nine (*p*) are called Pratyavasitas and (are) cast out by all men, and they are purified by Chândrâyaṇa or even by a double Tapta Krichchhra."

And these two penances, (one) a Chândrâyaṇa, (and the other) consisting of a double Tapta Krichchhra, should be known to have been laid down with reference to the ability (of the expiator). But when the reading is *śastraghâtahatâścha*, then it must be observed that it is (a penance) recommended to (be observed by) their sons and the like (*q*) consequent upon the end of the deceased in a manner not (permissible) by the Śâstras, (that is to say,) suicide, etc.

Sons etc. recommended to perform penance on behalf of their father and the like who commit suicide etc.

Next (there is the) text of VASIṢṬHA which says, "He who attempts suicide, but remains alive, shall perform a Krichchhra (lasting) for twelve days and (*r*) observe fast for three (days and) nights" (XXIII. 19), and even

Krichchhra and three days' fast for having attempted suicide.

(*o*) The following which is apparently extraneous matter is given in N. enclosed in brackets: 'That woman, who having forgotten her purposes, comes back from the pyre in any case, is purified by a Prâjâpatya (penance) from (the sin of) that ignoble deed. 'She who comes back from the pyre' (means she etc.) in trying to follow her husband in death. It is said in any case (?) on account of the text of ÂPASTAMBA.'

(*p*). The reading followed here *navaite*, but S. reads *naivate*, they are not at all (purified etc.). It is inconsistent, however, to say that YAMA lays down the penance, and then to cite a line to show that there is no purification whatever by any means. N. concurs with S. In addition to the editions of the Mitâkṣarâ we have the Poona edition of the 28 Smṛitis gives the same reading as we have adopted (See BṚIHAD-YAMA I. 4). A Calcutta edition of the Smṛitis (by Manmath Nath Datt) has the reading *sarve te*, all of them (See YAMA I. 4), anyhow omitting *na*, no. We discuss this at this length as the point is important.

(*q*) S. omits *âdi*, and the like.

(*r*) Buhler has "and then observe." But 'then' is removed to suit the explanation that follows.

that should be understood (to refer to the case) of one who had determined (himself to commit) suicide prohibited by the Śâstras, but who does somehow live (s), his ability being taken into account. Or the settlement is that (the penance should last for) three days where there was a sheer determination (of suicide), and (for) twelve days (in case) he has wounded himself 5 by a weapon or the like.

These penances refer to the case where there is no incest.

667. And this penance (laid down) for a Brahmachârin guilty of incontinence refers to the case of approaching such (a woman) as being other than a Guru's wife or one equal to her (in the point of superiority) is still one whom he should not 10 approach. For in that (case of approaching a Guru's wife or the like), a harder penance has been prescribed. Nor is it right (to hold) that by the vow (of penance laid down) for an Avakîrṇin, (which is but) light (in nature), the taint of a mortal sin with which he might be affected and which can be removed by a twelve 15 years' penance or the like (only), can be destroyed. Nor is it justified to hold that an ordaining of a light penance is (consequent) upon the additional consideration of his being a Brahmachârin. For it has been pointed out in (connection with) the topic on Brâhmaṇa-slaying that the penance is increased twofold etc. (in the case) of those belong- 20 ing to other Âśramas. Nor need a penance for approaching a woman (within the) prohibited (circle) be performed separately in this (case), for when a Brahmachârin (commits sin) with a woman (the sin of) his fall from Brahmacharya falls within the sin of having approached a woman (within 25 the) prohibited (circle). Hence even in other (cases) where for a particular act another act whether equal to, or less than, it is inevitable no separate penance is prescribed for that (other) act (t). It is as (in this text of MANU), "Having menaced (a Brâhmaṇa) with assault one shall perform a Kṛichchhra, and having dealt a blow, an Atikṛichchhra; if the blood 30 comes out (he shall perform) a Kṛichchhra-Atikṛichchhra, and if the blood appears a Kṛichchhra" (XI. 208), (although) in the act that causes the shedding of blood, the two acts of the nature of menacing (with assault) and dealing a blow are essential, (yet) Kṛichchhra and Atikṛichchhra, (penances) occasioned by those (two acts), are not prescribed. Thus should it be inferred 35

When a penance for an act is done then no separate penance for the essential concomitants of it.

(s) N. has a bad reading *Jîvena śaktyâ*.

(t) G. and N. give very bad readings of this sentence. S. has a better one though it can be improved by adopting the reading *tatra* it itself notices in place of *tat* which it actually employs. We follow D. here.

The wrong reading found in G. and N. is as follows:—*Avaśyaṃbhâvinaḥ tat pṛithak...........nimittadvayamavaśyaṃbhâvitvena svanaimittike......*A better reading ought to be......*Avaśyaṃbhavi na tatra pṛithak avaśyaṃbhâvi naimittikaṃ Kṛichchhra-Atikṛichchhraṃ cha na prayuṅkte*. It is this that has been adopted in the above translation.

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even in other cases. But where, on the other hand, the causes (occasioning the penance) do not necessarily come within another, there then the penances occasioned are separately taken into account. As (an example of the co-ordinate) causes (the following may be 5 taken): 'When on the occasion of a Parvaṇ, one who has besmeared himself with oil approaches at the time of day in the midst of water the wife of another (man) who is in her courses *etc.*'

There is a separate penance when other things are not essential concomitants.

668. (Objection). Well, when a Brahmachârin (errs) with a woman there is no such thing at all as (the sin of) his fall from Brahmacharya 10 falling within (the sin of) approaching a woman (within the) prohibited (circle). For in approaching a Putrikâ ('an appointed daughter'), there is no sin of approaching a woman (within the) prohibited degree. It is so, for, a Putrikâ is not in the first place a maiden, for she is deflowered. Nor is she the wife of another, for (in her case) there is no giving (away of the 15 bride). Nor is she a prostitute, for she is not of that occupation. Nor is she a widow, for her husband is not dead. Hence a Putrikâ is not identified with any one else, and, therefore, she (does) not (fall within the) prohibited (circle). Therefore, it is only in the case of him who errs with her alone, there is this vow (of penance prescribed) for an Avakîrṇin. 20 But in the case of him who errs with any other woman, as some other cause also (occasioning penance) falls together, the vow (of penance laid down) for an Avakîrṇin and also that laid down for another cause should be prescribed.

(Answer). That is not right. For even a Putrikâ comes within 25 the (circle of) married women, for although there is not the giving (away of the bride in her case), yet she has been purified by the purificatory ceremony of marriage and resembles a woman (who is married) by the Gândharva etc. form of marriage. Although there is the prohibitory rule, "A wise man should not marry her, who has no brother or 30 whose father is not well known, for fear of her being made a Putrikâ" (u), yet it must not be argued that no wifehood does arise in her as in (the case of marrying) a girl of one's own Gotra. For the prohibition has an obvious purpose as the prohibition (of marrying) a girl of deformed limbs, and the like, and the obviousness of the purpose (results) from 35 the express mention of 'for fear of her being made a Putrikâ.' And the marriage is not only for the purposes of (begetting) children, but is also for the purposes of discharging one's Dharma, and hence what harm is there if one who has procreated children and has lost his wife would marry a Putrikâ for the purposes of Dharma? As this has been 40 already explained, enough of dilation on the point. Therefore, it has

(u) MANU III. 11. This translation has been given after the explanation of MEDHÂTITHI. The original has *Putrikâdharmaśaṅkyâ* which some interpret as follows: One should not marry a girl who has no brother lest she might be made a Putrikâ, nor one whose father is not well known lest her birth may transpire to be one of shame.

been rightly said that where a Brahmachârin (errs) with a woman, as his fall from Brahmacharya falls within (the sin of) approaching a woman (within the) prohibited (circle), no separate penance caused by other causes should (also) be prescribed.

669. In connection with the topic on penances for a Brahmachârin (the sage) prescribes a penance with reference to another high sin (*v*). 5

CCLXXXI. But having neglected for seven (days and) nights going about for alms and the (performing of the) rite in fire, he shall, with due attention, offer two burnt offerings with the two (formulas) *kâmâvakîrṇa, etc.* 10

CCLXXXII. And next he shall perform the attending ceremony (to the Fire-god) by this Mantra *samâsiñchantu etc.*

The two offerings by a Brahmachârin who neglects going about for alms and the performance of the rite in fire.

That Brahmachârin who, being not at all ill, does neglect going about for alms or even performing the rite in fire for seven (days and) 15 nights continuously, shall offer burnt offerings with the two formulas, 'I have violated (the vow) through lust, I have violated (the vow), (may this be) to him who follows his lust, Svâhâ!' and 'I have fallen through lust, I have fallen (from the 20 high pedestal of my vow), (may this be) to him who follows his lust, Svâhâ!' and (then) he shall perform the rite of attending on the Fire-god with the (reciting of the) Mantra, "May the (gods) MARUTS excessively shower, may the (god) INDRA excessively (shower), may BṚIHASPATI excessively (shower), and may this (god) AGNI excessively (shower) (me) with 25 renown and the splendour of Brahman."

The penance of an Avakîrṇin if he wilfully neglects.

670. And this should be noticed (to hold good) in (the case of his) not attending (to them) by being engrossed in (doing) service to the preceptor and the like superior purposes. But when he is not at all engaged (thus) but neglects both the duties, 30 (to go about for collecting) alms and the rite in fire, then it should be noticed that (what has been) laid down by MANU (thus) (holds good): "(A Brahmachârin who) being in health neglects for seven (days and) nights (going about for) collecting alms and the (rite of) offering a piece of sacred fuel to the fire 35 shall observe the vow (of penance laid down) for an Avakîrṇin" (II. 187).

Penances for the loss of sacred thread, sleep during daytime, etc.

671. But in case where the sacred thread is lost, a penance has been laid down by HÂRÎTA (thus): "He shall offer four offerings with the Mantra, *Manas, vratapati*, etc. and again revert to his actual former condition. If he eats the alms 40 (collected of persons) not (of a) noble (character),

(*v*) *Upapâtaka*, minor sin, is another reading.

if he sleeps when the sun rises, if he sleeps when the sun sets, if he vomits, if he sleeps during daytime, if he sees a woman (in her) nude (condition), if he sleeps naked, if he steps on the cremation ground, if he mounts a horse or the like, and if he disregards those that are entitled to be worshipped by him, he shall make offerings 5 with these very Mantras in the fire to which the sacred fuel has been added. (And) for killing non-moving (plant) life and snakes etc., he shall make burnt offerings with ghee with the Mantras sacred to the Kûśmaṇḍas, *yat devâdevaheḍanam etc.* (And) for accepting gems, raiments, cows, etc. (in gift) he shall meditatively repeat one thousand and eight 10 Gâyatrîs. "With *Manas, vratapatis, etc.*" (means) with (the Mantras beginning with) *Mano jyotir etc.* and which is indicated by *manas* and with (the Mantras beginning with) *Tvaṁ agne vratapâ asi* ('O fire, you are the protector of the vow') *etc*, and indicated by *vrata* etc. 'Revert to his actual former condition' means he must take it with due Mantras 15 according to the manner prescribed for Upanayana.

1008 Gâyatrîs for eating without the sacred thread on.

Next in the case when he eats etc. without Yajñopavîta ('sacred thread') on what has been stated by MARÎCHI (as follows) should be taken (to hold good): "He who eats without his sacred thread on or discharges 20 urine or fæces (without observing) the rule (regarding) the sacred thread, one is purified by (a meditative repetition of) one thousand and eight Gâyatrîs and by Prâṇâyâma."

672. And next:

Having partaken of flesh and liquor, a Kṛichchhra as 25 well as the remaining vows (of penance) shall be performed.

CCLXXXIII. Having done anything unpleasant to the Guru, he attains purification only when he propitiates him. 30

Kṛichchhra for unintentionally eating flesh.

When liquor and flesh are partaken of unintentionally by a Brahmachârin, a Kṛichchhra penance should be performed. Thereafter, he should finish the remaining vows (of penance).

673. And this refers to the (case of) partaking the flesh of rabbits 35 etc. that are allowed for being eaten by the wise. For says the text of VASIṢṬHA (thus): "If a Brahmachârin eats meat which (though) is permitted to be partaken of by the wise, he shall perform a Kṛichchhra vow (lasting) for twelve (days and) nights and finish the remaining (portion of the) vow" (XXIII. 11). The use of the expression "for twelve 40 (days and) nights" is to bring in (the performance of) an Atikṛichchhra, a Parâka, etc. in accordance with his doing it intentionally or repeatedly.

But when he is overtaken by a disease which can only be removed by (eating) flesh, then he must first offer flesh to (be partaken of by) his preceptor, and then partake of it (himself). For it has been stated by that (VASIṢṬHA) himself thus: "If he is overtaken by disease, he might for the purposes of medicine, eat all (sorts of things, portions of which are) first partaken of by the preceptor" (XXIII. 9). The use of the expression "all (sorts of things)" is to encompass under it all prohibited edibles, such as flesh, garlic, and the like. And having had his disease cured by eating such (things) he shall perform the rite of attending on the Sun-god. Thus (says) BAUDHÂYANA: "He who wants to have his disease treated (this way) shall then, when he becomes free from disease, stand up and perform the rite of attending on the Sun-god by (reciting) *Haṃsaś śuchiṣat etc.*"(w).

A Brahmachârin might eat flesh for medicinal purposes.

674. There is no sin if it happens that he partakes of even liquor unconsciously. For says the text of VASIṢṬHA (thus): "When liquor is given without any desire (on the part of the Brahmachârin) or when he is a Vâjasaneyaka, does not pollute him" (XXIII. 13) (x).

Unconscious partaking of liquor is no sin.

We shall deal with the penance for eating the food of another (affected by death or birth-) impurity and the like in the Chapter on Penances for Eating Forbidden Things.

675. By doing what is unpleasant to the Guru by violating his command etc., he shall propitiate the Guru by falling at his feet, and is (thereby) purified.

SECTION XXIX.—PENANCES THAT A GURU MAY HAVE TO PERFORM.

676. In connection with the topic on penances (affecting) a Brahmachârin (the sage) lays down (a penance) with reference to a Guru also:

When (a student who) is sent (on an errand) dies, the Guru shall perform the three Kṛichchhras.

Whoever being a Guru sends his disciple on an errand to a place infested by thieves, serpents, tigers, and the like, or at the time of midnight more (fearful) on account of thick (encircling of the) darkness, and if that (disciple) sent by the Guru dies unfortunately, then that Guru shall perform the three Kṛichchhras, Prâjâpatya etc.

Three Kṛichchhras for a Guru on whose errand a disciple dies.

(w) Ṛigveda III. vii. 14. 5.

(x) This translation is given with some diffidence, though it is to suit the explanation of the Mitâkṣarâ that follows. Buhler has "does not defile a student of the Vâjasaneyi-Śâkhâ."

And (it should) not (be taken to mean) a treble Prâjâpatya, and if it were so, the numeral (*traya*, three,) introducing different (penances) would have no purpose to serve. Nor is it proper to hold that as in the case of "He shall offer eleven Prayâjas (*xx*)" the numeral is intended to express repetition (*y*) for when it is possible that by nature things can be different, 5 the idea of repetition is not justified. Had this numeral occurred in the Utpanna (Vâkya) then the idea of repetition could have been somehow possible also. But it occurs in the Utpatti (Vâkya) ('text enjoining the performance of a thing'). And hence as in the case of "Three ghee offerings he shall make," it is proper to construe the numeral *three* as 10 expressing three things differing in nature.

SECTION XXX.—CRUELTY FOR A GOOD PURPOSE.

677. (The sage) lays down an exception for penances for all (sorts of) cruelty:

CCLXXXIV. If a Brâhmaṇa for whom kindness is 15 being shown dies, there is no sin (*z*).

It is no sin if death occurs by mishap in honestly trying to do good.

If for a Brâhmaṇa or the like, kindness is being done by giving him medicines, wholesome diet, and the like according to the teachings of Âyurveda, although that Brâhmaṇa does somehow die by mishap, (yet), no sin 20 results whatever from it. The use of the term 'Vipra' (for 'Brâhmaṇa') is for the purpose of indicating by synecdoche

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(*xx*) Prayâjas are pre-sacrificial rites because they are offered prior to the principal sacrifice. (See Satapatha Brâhmaṇa I, Adhyâyas V and VI).

(*y*) In connection with Agnîṣomîya, there is the text of Sruti (which says), "He shall offer eleven Prayâjas." Here the question is whether *eleven* is to be taken along with each of the five Prayâjas or if it is to signify that the total number of Prayâjas to be offered is eleven. The argument for the objection is as follows: The text lays down that just as in "He shall make Anuyâjas ('after rites' or rites following the principal sacrifice) with Pṛiṣadâjya ('curds mixed with ghee')," *Pṛiṣadâjya* forms an attribute of every offering, even so *eleven* is to be taken along with each Prayâja. And thus on account of the difference in Samit etc. to be employed, there will be a corresponding multiple, and there will be fifty-five Prayâjas on the whole. The numeral employed to form an attribute to the Prayâjas, and the total number of the Prayâjas intended is not expressed and, therefore, the numeral is to be taken along with each Prayâja. The argument for the reply is as follows: *Eleven* is the numeral expressive of the whole number, and is a number expressing the total number of Prayâjas in the present case. Therefore, it shows a repetition of the group (of five Prayâjas). The Prayâjas are only five and the number cannot form an attribute of them unless they repeat themselves. Thus the five Prayâjas should be repeated twice, and one recurs again as the eleventh.

(*z*) N. notices an additional half of a verse which runs thus: 'And also when, medicinal and branding treatments are being given, cows and bulls happen to die.'

any living being in general. It is with this very view that it has been stated by SAMVARTA and others thus, "In an operation for the purpose of treating a cow's disease, or when efforts are made to remove a dead fœtus (from her womb), if death occurs, then he is not tainted by the sin," and so on. And this has already been dealt with. 5

SECTION XXXI.—PENANCES FOR FALSE SLANDER.

678. Intending to lay down the penance for a false slanderer (the sage) lays down an Arthavâda first referring to him :

Twice is the sin of a false slanderer and an equal amount (is the sin) of one who speaks of what actually 10 exists.

CCLXXXV. Also he who falsely slanders receives the sin of him whom he slanders.

He who imputes false charges gets twice the sin of that sinner.

He whose mind becomes disturbed by anger resulting from jealousy for the exaltation of others imputes (to them) 15 without any ground whatever false charges in the presence of men, as (for example) 'so and so has committed a Brâhmaṇa-slaughter or the like,' then to him that very (sin he imputes to another) comes doubly. But even to him who proclaims in the presence of men a fault which actually exists but which 20 is not known to others, there is a liability to sin equal to that of that sinner. Just so has ÂPASTAMBA : "Having come to know the sin of another one shall not (himself for the) first (time) become a reporter (of it) to others that so and so has suffered degradation (from caste), nor prevent 25 such a one from the path of duty" (I. xxi. 20) (*a*).

One shall not take initiative to report the sin of another.

679. It is not only to twice the sin that a false slanderer makes himself liable to, but also receives whatever is collectively the sin of the one who is falsely slandered. This is an Arthavâda with regard to the 30 penance that is about to be described, and it is not intended to lay down here a liability to twice the sin and so on. For the cause occasioning the sin is of a light nature, a light penance is about to be laid down, and also the topic is of such as would destroy something without acquiring anything. 35

The slanderer receives all the sin of the slandered.

680. (The sage) lays down a penance with regard to (that offence) :

He who imputes falsely a mortal sin or a minor sin to another

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(*a*) S. requires a full stop after this quotation,

CCLXXXVI. Shall spend one month subsisting on water (and remain) meditatively repeating (Mantras) and being self-restrained (*b*).

He who, with no reason whatever, accuses another of false charges, (of) a mortal sin such as Brâhmaṇa-slaughter or a minor sin such as cow-killing, shall, so long as one month lasts, subsist on water, and be given to the meditative repetition (of the Mantras) and also be self-restrained. Meditative repetition should be performed of Śuddhavatî (Mantras). For says the text of VASIṢṬHA: "By having falsely accused a Brâhmaṇa of a sin that causes loss of caste or of a minor sin, one shall subsist on water for one month, (meditatively) repeat Śuddhavatî (Mantras), or might resort to bathe with the priests at (the end of) a horse-sacrifice."

Subsisting on water for one month, meditative repetition of the Mantras, etc. for false slandering.

The employing of the (expressions) 'mortal sin' and 'minor sin' is an indication by synecdoche of even other (sins), high sins etc.

681. And this should be understood (to hold good) when the imputation is made to a Brâhmaṇa by a Brâhmaṇa himself. But when a Brâhmaṇa makes an imputation (of false charges) to a Kṣatriya or the like or when a Kṣatriya etc. to a Brâhmaṇa, then the increasing or lowering of the penance should be prescribed in accordance with the punishment (that is) thus (laid down): "When scandals (are from castes) of inferior order, the punishment is two times and three times, and in the superior order of castes, it is half and half less than that" (II. 207).

Adjustment of the penance in accordance with the conditions of the slanderer and the slandered.

682. But for him who imputes a charge that (actually) exists, half of it should be prescribed in accordance with the (above) punishment and in accordance with the Arthavâda described above.

Half for accusing one of a real charge.

683. Similarly for him who imputes to another a high sin, this same is the vow (of penance) a quarter less, but for him who imputes a sin (causing degradation from caste) half, while for him who inputes a minor sin it is a fourth part. For in the text, "It is declared that in the (case of) killing a Kṣatriya (the penance is) a fourth part (of that prescribed) for Brâhmaṇa-slaughter" (MANU XI. 126), it has been shown that (the penance) for killing a Kṣatriya which is a minor sin, is a fourth part of the penance laid down for a mortal sin.

Three-fourths of the penance for imputing a high sin; half for an ordinary sin; a quarter for a minor sin.

(b) The numbering of the stanzas is not properly attended in N. and S. G, however, counts the bogus half of 284, and gives a continuous number.

Thus (a penance) less than a minor sin should be prescribed even for him who imputes (to another any) one (of the) miscellaneous (sins).

A high or low penance is to be prescribed according to the nature of the miscellaneous sins also.

For says the text (of a Smṛiti) thus: "Having considered the ability (of the expiator) and also the sin (he has committed) a penance (suited) should 5 be prescribed." That (statement) of ŚAṄKHA and LIKHITA which (says), "An infidel, an ungrateful person, a man of dishonest dealings, a man who destroys the occupation of a Brâhmaṇa, and one who falsely imputes charges to another,— these persons shall for six years go about to collect alms in the houses of Brâhmaṇas, eat for one year alms 10 washed, or for six months follow the cows," and thus lays down a harder penance, is to be taken to apply in accordance with the high or low amount of the repetition (of the sin).

684. As (suggested) by the topic of the penance (prescribed) for one who imputes (false) charges, (the sage) lays down a penance affecting 15 one who is thus slandered:

He who is imputed false charges to shall perform a Kṛichchhra, or in honour of Fire-god

CCLXXXVII. Offer Puroḍâśa, or even (offer) a Paśu in honour of the Wind-god. 20

He who is falsely slandered shall perform a Prâjâpatya Kṛichchhra. Or he may offer Puroḍâśa (c) prepared in honour of the Fire-god. Or (he may offer) a Paśu consecrated in honour of the Wind-god. Of these alternative (courses) the settlement is with reference to the ability (of the expiator) and also the possibility (of the penance being 25 performed).

685. (There is the text wherein) it is laid down by VASIṢṬHA that subsisting on water for one month is necessary, "And from this

He who is slandered shall live on water for one month if he remains without penance for some time.

very (rule the penance) one who is slandered (has to follow) has been explained" (XXIII. 37), and 30 that should be taken (to refer to) that very man who is slandered and remains without performing the penance for some time. For heaviness of punishment (in the case of such) has been pointed out by (the text), "To a man who is defiled, and who remains charged (of the guilt without expiation for more than) 35 one year, the punishment is double" (d). (There is the) statement of PAIṬHÎNASI which (says), "He who is imputed falsehood to shall for one month perform Kṛichchhra if (the accusation is) with (ordinary) sins, and for two months if with mortal sins," and even that (does refer to) the same

(c) Puroḍâśa is the flour which is first boiled with the water contained in the vessel technically known as "Madantî," then kneaded with the Mantra recited with the name of the deity to whom it is to be offered, and then made into the shape of a tortoise.

(d) MANU VIII. 373.

case as (the text of) VASIṢṬHA. (There is the) statement of BAUDHÂYANA which (says), "(Penance) for him who imputes a sin (to another is) a Kṛichchhra, and half of it to him who is imputed to," and that refers to (the case of) a minor sin or refers to (the case of) a man of inability." In the same way a settlement is to be understood (to be arrived at) of other various penances referring to (the cases of) the slandered by considering the time, ability, and the like. Thus says MANU: "(The penance for) purification of those whose company at dining is prohibited (shall last) for one month eating at the sixth meal time, or even a meditative repetition of the Saṃhitâ and the making of the Śâkala offerings" (*e*) (XI. 200). In the category of those whose company at dinner is prohibited, persons who had been imputed charges to are mentioned. Of course no such thing arises as a prohibition from doing (this or that) in the case of one to whom a sin was imputed, and, nevertheless, this penance depends upon the Apûrva (which produces inevitable results and is of the form of some) prohibition to do the usual duties which (must have existed) in some past birth and (the existence of which is) inferred from the indicative nature of one's having been slandered falsely, and hence there is no contradiction (inasmuch) as (it resembles the penance laid down) for those who have been stung by insects (and the like).

Other penances.

No prohibition to do the ordinary duties in the case of the slandered.

SECTION XXXII.—PENANCES FOR INCEST WITH A BROTHER'S WIFE.

686. And next:

Having approached a brother's wife without being asked (by the elders), one shall perform a Chândrâyaṇa.

He who without Niyoga approaches the wife of an elder or a younger brother, shall perform a Chândrâyaṇa.

Chândrâyaṇa for approaching a brother's wife.

687. And this should be understood (to hold good) in the case (of the act being committed) once and unintentionally. (That) text of ŚAṄKHA which (says), "A Parivitti and also a Parivettṛi, shall go about to (collect) alms at the houses of Brâhmaṇas for one year. And he who approaches the wife of an elder brother otherwise than being asked (by the elders) and also (he who approaches) the wife of a younger brother shall do the same," but that refers to an act committed intentionally.

Subsisting on alms for one year if the act is intentional.

(*e*) All the commentators of MANU are unanimous in saying that the offering of Homas to the repetition of the Mantra, *Devakṛitasya etc.* Some say that this is a Sûkta occurring in the Śâkala branch of the Veda.

SECTION XXXIII.—PENANCES FOR CONTACT WITH A WOMAN IN HER COURSES.

687. (The sage) says further:

CCLXXXVIII. Having approached a woman in her courses, one is purified by partaking of ghee after (fasting for) three days. 5

Three days' fasting and partaking of ghee at the end for approaching a menstruating woman.

Next, he who approaches a woman in her courses, though (she is) his own wife, shall fast for three days and is purified by partaking of ghee at the end. 10

688. This refers to the case of approaching her once unintentionally.

Seven days' fast for repeated or intentional doing of the act.

If there is repetition with regard to that very (matter), that which has been stated by ŚÂTÂTAPA as, "(Fasting for) seven (days and) nights if he has approached a woman in her courses" should be understood (to hold 15 good). Even in the case of approaching her once intentionally, the very same is the penance. (There is the) text of BṚIHAT-SAṂVARTA which (says), "For him who approaches a woman in her courses, (or) a pregnant woman, or likewise a woman who has suffered degradation

An Atikṛichchhra for intentional doing.

(from caste), an Atikṛichchhra is the penance for 20 being freed from sin," but that refers to the case of intentional repetition (of the act). Next, (there is the) text of ŚAṄKHA (which lays down the penance) for three years thus, "But it is a fourth part (of the twelve years' penance) for killing a Śûdra

Three years' typical penance for excessive intentional repetition.

and likewise for approaching a woman in her 25 courses," and that refers to the case where the act is intentional and excessively repeated constantly.

689. But when a woman in her courses is touched by (another) woman in her courses or the like, the penance laid down in another Smṛiti should be taken to hold good. Just so has BṚIHAD-VASIṢṬHA: "If two 30 women in their courses, who are of the same Varṇa (f) and have a common

Bathing where co-wives of the same Varṇa in their courses touch each other somehow.

husband, touch each other, intentionally or even unintentionally, both of them are purified instantaneously by (taking) baths." But if they are not co-wives and are of the same Varṇa, mere bathing 35

(f) S. has *sagotre*, who are of the same Gotra. It looks curious as the Gotra of the wives must be the same when they have got a common husband, and, nevertheless, it appears to suggest the cases where on account of the peculiarities of marriage, the wife may not pass formally into the Gotra of her husband but retain the Gotra of her birth. Or it might even suggest the case where those women might chance to have come off of the same Gotra.

Bathing where a menstruating woman is touched by another menstruating woman of the same Varṇa.

(would do) if (the act is) unintentional. For says the text of MÂRKAṆḌEYA thus : "But if a woman in her courses happens to be touched by (another) woman in her courses (who is) of the same Varṇa, then she attains purification that very day by bathing, and there is no doubt about it." Next (there is) the text of KÂŚYAPA which (says), "And if a woman who is of Brâhmaṇa caste and is in her courses is touched by (another) Brâhmaṇa woman (in the same condition), (then she) attains purification by abstaining from food for one (day and) night and (then drinking) Pañchagavya," but that refers to the case (where the act is) committed intentionally.

One day's fast and Pañchagavya where a menstruating Brâhmaṇa woman is touched intentionally by another of the same description.

690. But when the touch is between (two women of) different Varṇas, then a special (rule) is laid down by BṚIHAT-VASIṢṬHA thus : "If a Brâhmaṇa woman and a Śûdra woman, (both) in (their) courses, touch each other, the former is purified by (performing) a Kṛichchhra, and the Śûdra woman by (making) a gift."

Brâhmaṇa woman and a Śûdra woman touching each other, Kṛichchhra for the former, gift of a quarter Niṣka for the latter.

By (saying) "by (making) a gift" (it must be understood that) she is purified by making a gift of a quarter of a Niṣka which is pointed out as a substitute for a fourth part of a Kṛichchhra.

"If a Brâhmaṇa woman and a Vaiśya woman (both of them) in their courses touch each other, the former shall perform three-fourths of a Kṛichchhra and likewise a fourth part of a Kṛichchhra the latter. If a Brâhmaṇa woman and a Kṣatriya woman, (both of them) in their courses, should touch each other likewise, the former is purified by half of a Kṛichchhra, and the latter (too) by half of it. If a Kṣatriya woman and a Śûdra woman, (both of them) in their courses, should touch each other, the former is purified by (observing) fast for three (days and) nights and the latter by (fasting for) one day and night. If a Kṣatriya woman and a Vaiśya woman, (both of them) in their courses, should touch each other, the former is purified by (observing fast for) three (days and) nights and the latter by (observing it for) one day and night. And similarly if a Vaiśya woman and a Śûdra woman, (both of them) in their courses, should touch each other, the former is purified by (fasting for) three (days and) nights and the latter by (fasting for) two days. This is the (mode) of purification (laid down by the) ancient (sages) for an act of intentional touching (of each other by women in their courses and of different) Varṇas."

Three-fourths of a Kṛichchhra for the Brâhmaṇa, and a quarter to a Vaiśya, woman.

Half a Kṛichchhra for Brâhmaṇa and a Kṣatriya woman.

Three days' fast for a Kṣatriya woman, and one day's for a Śûdra woman.

Same for Kṣatriya and Vaiśya women.

Three days' and two days' fasting for Vaiśya and Śûdra women.

But if (the act is) unintentional mere bathing which has been laid down by BṚIHAD-VIṢṆU (should be taken to hold good): "If a woman in her courses happens to touch another woman who is (also) in her courses (but is) of a lower Varṇa, she shall abstain from food until she is purified (from the impurity of menstruation); but having touched (such) a woman either of the same Varṇa (as that of herself) or of a superior Varṇa, she is purified forthwith by bathing."

If the touch is unintentional she of the higher Varṇa to fast for the rest of menstruating period of impurity and she of the lower Varṇa to bathe.

691. But when (a woman in her courses is) touched by a Chaṇḍâla or the like, a special (rule) has been laid down by BṚIHAD-VASIṢṬHA: "When a woman in her courses is touched by one who has suffered degradation (from caste), one of the lowest caste, or a Śvapacha, she shall (await the) lapse of those days (of menstruation), and perform the penance. If (she is touched) on the first day, (then) (she shall fast for) three days, if on the second for two days, if on the third for one day and night, and if after that (she shall partake of food) at night (after fasting during the day). But if she is touched by a Śûdra woman, or by one who is in her unclean condition or even by a dog (she shall observe) fasting for two days." "(She shall await the) lapse of those days (of menstruation)" means (she must) spend those days without eating (anything).

Fasting for the rest of the period and then penance when touched by a Chaṇḍâla or the like.

Fasting for two days if touched by a Śûdra woman or a dog.

692. This refers to the (case where) touching is intentional. But if (the act is) unintentional, that should be understood (to hold good) which has been laid down by BAUDHÂYANA thus: "But when a woman in her courses is touched by a Chaṇḍâla, a man of the lowest caste, a dog, or a cow, she shall abstain from food so long by which time she is purified (from menstruation)." (There is) another text which is laid down by that (BAUDHÂYANA) himself as, "But when a woman in her courses is touched by village fowls or pigs or by dogs, she shall bathe and stay (without food) till the moon rises," and that refers to (the case of one) who is not able (to undertake any harder course). But when she is partaking of her meal, if there occurs a touch by a dog or the like, then a special (penance) has been laid down in another Smṛiti: "If a woman in her courses who is in the act of taking her meal is touched by a dog, by a man of the lowest caste, or the like, she is purified in six (days and) nights by subsisting on cow's urine and barley-gruel. In (case of) inability she might make a gift of gold or even food to Brâhmaṇas." But when two women (in their courses) who are in an unclean condition, touch each other, then (the following) laid down by ATRI should be taken (to hold good): "If at any

Fasting for the rest of the period if the touch is unintentional.

Bathing and fasting till the moon rises in case of inability.

Subsisting on cow's urine and barley-gruel for six days if touched by a dog etc. while eating.

time a woman in her courses who is in an unclean condition (in her hand and mouth) is touched by another woman who is (also) in her unclean condition (likewise), the former is purified by (performing) a Kṛichchhra and the Śûdra woman by fasting and making gifts." And 5 when a woman in her courses touches Brâhmaṇas who are in an unclean condition, then (the penance) laid down by MÂRKAṆḌEYA should be taken (to hold good): "If somehow, a woman who is in her courses touches Brâhmaṇas who are in an unclean condition, she shall spend one 10 day and night (in fasting) if the touch is in the lower part (of the body) and three days if (it is) in the upper part (of the body)."

Kṛichchhra when an unclean menstruating woman is touched by another in the same condition; fasting and gift in the case of a Śûdra woman.

Fasting for one day or three days for touching Brâhmaṇas in an unclean condition.

Thus in connection with the topic on penances for an Avakîrṇin, penances for certain (offences) which are high sins have been dealt with, 15 and we (now) resume the thread of the present topic.

SECTION XXXIV.- PENANCES FOR THE SALE OF CHILDREN.

693. In that (list of minor sins) after the (mentioning of) an act of incontinence (by a Brahmachârin) "the sale of children" is mentioned. In that (case the vow of 20 penance) lasting for three months and the like laid down by MANU and YÂJÑAVALKYA should be settled as before taking into account the intention, non-intention, caste, ability, and the like. And (there is) the text of ŚAṄKHA which (says), "Having sold a temple, a sheltering place, a pleasure-garden, a pleasance, a court-hall, 25 a place of distributing water (for travellers), a tank, virtue, a canal, or a child, one shall perform a Tapta Kṛichchhra;" and also (there is) the text of PARÂŚARA which (says), "Having sold a girl or a cow, one shall perform a Sântapana Kṛichchhra;" and both of them should be under- 30 stood (to hold good in cases) where (the act is) unintentional. But if it is done intentionally, what has been stated in the Chaturviṃśatimata should be taken (to hold good): "Having sold women one shall observe the vow of Chândrâyaṇa (penance). And the learned say that it is twice when (the sale is) of man himself." But (there is) the text of PAIṬHÎNASI which (says), 35 "For having sold a pleasance, a tank, a drinking spring, a pond, virtue, or children, one shall bathe at the three Savanas (daily), shall lie down on the (bare) ground, partake of food at (every) fourth meal time, and is (thus) purified in one year," and that refers to the case where one has an only son. 40

The general penance for minor sins for having sold children.

Kṛichchhra for unintentional selling of girl.

The penance double for doing the act intentionally.

694. After that mention is made of "stealing corn, inferior metals, and cattle," but the penances pertaining to those (sins) are pointed out in detail in the topic on theft.

SECTION XXXV.—PENANCES FOR CONDUCTING THE SACRIFICES OF THOSE UNFIT FOR SACRIFICES.

695. Thereafter mention is made of "conducting the sacrifices of those unfit for sacrifices," and (the sage) prescribes the penance with reference to that: 5

He who conducts the sacrifices of the Vrâtyas etc. and he who employs spells for the extirpation of his enemies shall perform the three Kṛichchhras.

CCLXXXIX. He who destroys the Vedas and also he who gives up one who seeks refuge (under him) shall 10 subsist on barley for one year.

Kṛichchhras for conducting the sacrifice of the unfit.

He who conducts the sacrifices of those who are forsaken by Sâvitrî shall perform the three Kṛichchhras, Prâjâpatya etc. It is to be taken that the three forms (g) of Kṛichchhra (which vary in) being harder or lighter 15 (depends) upon the hard or light nature (of the offence) that occasions (the penance). Similarly having also employed spells for the extirpation of the enemies, one shall perform this very penance.

No sin in employing spells for the extirpation of desperados.

696. And this refers to persons other than an incendiary and the 20 like desperados, for says the text of VASIṢṬHA (thus), "One does not become a sinner by employing spells for (the extirpation of the) six (desperados)." The word *api* ('*etc.*') (in the original) is for the purpose of bringing in one who conducts the sacrifices of an inferior person and also he who 25 performs the funeral ceremonies of such. For this very reason it has been stated by MANU (thus): "Having conducted the sacrifices of the Vrâtyas and having performed the funeral ceremonies of (such as are) other (than those for whom one can rightly perform them), and having performed also Abhichâra and Ahîna, one removes (his sin) by 30 the three Kṛichchhras" (XI. 197). (The expression), "The funeral ceremonies of (such as are) other (than those for whom one can rightly perform them)" (is mentioned so as to) refer to the case of excessive repetition of it, or to the case of (performing) the funeral ceremonies of a Śûdra, for the penance (prescribed is) of a high nature. Ahîna is a sacrifice lasting 35 for a series of days beginning from two (days and) nights and ending with twelve days. And (there is the text) which is laid down by ŚÂTÂTAPA thus: "One shall not initiate (into Brahmacharya) those that are Sâvitrî-forsaken, shall not teach (them the Vedas), and shall not conduct

(g) N. reads *Nimittam*, (the offence) occasioning the penance.

their sacrifices. Whoever would initiate them (into Brahmacharya), teaches them (the Veda), or conducts their sacrifices, he shall perform the Uddâlaka vow (of penance);" but that refers to the case (where the act is) committed intentionally. The Uddâlaka 5 vow (of penance) has already been pointed out (*h*).

Uddâlaka penance for intentionally initiating Vrâtyas into Brahmacharya.

697. And these three Kṛichchhras are exceptions to the penances laid down (by regarding the offences) as minor sins in general, and, therefore, the penances laid down generally regarding them as minor sins apply to the (case of) conducting the sacrifices of the Śûdras and 10 the like. Of those (penances) that lasting for three months (refer to an act committed) intentionally, but if (it is committed) unintentionally (the penance is) that lasting for one month etc. (as) prescribed by YÂJÑAVALKYA. Next (there is the text) which, after referring to those who conduct the 15 sacrifices of the Śûdras, is stated by PRACHETAS (thus), "These shall stay in the midst of five fires, (exposed to) the rain, and in the midst of water respectively in the hot, rainy, and cold seasons and subsist on cow's urine and barley-gruel for one month," but that refers 20 to the case where the act is intentionally repeated. Also (there is that) which is stated by YAMA (thus), "Whichever Brâhmaṇa out of friendship or by money dealings accepts the priesthood of those belonging to the Śûdra Varṇa, expiation for him is a Kṛichchhra," but that refers 25 to the case of one who is unable (to perform harder penances.) Further (there is also the text) which is stated by PAITHÎNASI, "He who conducts the rites that are performed by a Śûdra becomes pure by abandoning all the money (acquired), and if the act is repeated ten times, by 30 one thousand Prâṇâyâmas," and even that refers to the case of repeating the act unintentionally. Next (there is this) which is stated by GAUTAMA, "For employing one thousand words of the Mantra (literature) for those for whom it is prohibited, one shall observe (the typical form of Brahmacharya 35 vow for one year)" (XXII. 33). For those for whom it is prohibited, (that is,) for those who have suffered degradation (from caste) etc. if the Mantra is employed in the form of conducting sacrifices or teaching, and if (the act) is repeated many a time, the (typical) form of Brahmacharya (vow) (des- 40 cribed) above is ordained (thus), but that refers to the case of intentionally repeating the act.

One month's penance laid down by YÂJÑAVALKYA if the act is unintentional.

Staying in the midst of five fires in the hot season etc. for the intentional repetition of the act.

Kṛichchhra in case of inability.

Throwing away all the money obtained or 1000 Prâṇâyâmas for unintentional repetition of the act.

One year's typical Brahmacharya for intentional repetition of teaching Veda to forbidden persons etc.

(*h*) VASIṢṬHA XI. 77 cited in section 568, *supra*.

698. Similarly whoever destroys his own (branch of the) Veda, and whoever, though able to protect, neglects him who, being no thief, seeks refuge under him, even he is purified by subsisting on boiled barley for one year.

Subsisting on boiled barley for one year for destroying the Veda or neglecting a refugee.

There what is called destruction (of the Veda) is to 5 study it on a Parvaṇ day, in a place within the hearing of the Chaṇḍâlas, and so on, circumstances prohibited for study. Or the (act of) administering a rebuke of the sort, 'Why do you study ? May you be lost !' to one who is desirous of studying for the acquiring f exaltation is also called destruction (of the Veda). It is with this very view that it has been stated 10 in another Smṛiti (thus) : "MANU declares that those who give a (discouraging) rebuke to those who intend to study are (persons that) suffer degradation (from caste)." But (there is that) which is laid down by VASIṢṬHA (thus), "If (they sing the Vedas) within the (dis- 15 tance of) hearing from a man who has suffered degradation (from caste), a Chaṇḍâla, or a corpse, then they shall for three (days and) nights observe (the vow of) silence, and remain (completely) abstaining from food (*i*). Or if they repeat (that text of Gâyatrî) at least one thousand 20 times, they become purified. Thus is it learnt" (XXIII. 34—5).

One becomes a Patita by giving a rebuke to an earnest student.

Complete fast for three days or 1,000 Gâyatrî for reciting the Veda in the presence of Chaṇḍâlas etc.

699. "From this very (rule) it is explained (how) those who teach, or conduct the sacrifices of, the vile (are purified), and it comes to be known that they become purified by 25 abandoning the gifts (received)" (XXIII. 36). But the (above statements) refer to the case (where the act is) committed intentionally. Also (there is the following) which has been laid down in the Ṣaṭtriṃśanmata, "If the Vedas or Smṛitis are recited within the distance of hearing of a Chaṇḍâla, 30 then one shall fast for one (day and) night," and that refers to the act (committed) unintentionally.

Throwing away the gifts received for intentionally teaching the Veda to the vile.

One day's fast for unintentionally reciting Veda within the hearing of the Chaṇḍâlas.

700. When a snake or the like merely passes between (persons engaged in study), even in (that case) a penance, though they do not study further, has been laid 35 down by YAMA : "If a snake or a mungoose, a goat and a cat likewise, a rat, and likewise a camel, and also a frog or a woman, or even a man or a deaf (person), a dog, a horse, or a donkey come between (the persons engaged in study), listen to this penance (that is to be undertaken) forthwith. For 40 three (days and) nights they shall fast, and during the three days they shall perform the bathing rite. Or else they shall go on foot to a different village, and there is no doubt in (purification from) that."

Three days' fast etc. when a snake, a mungoose, or the like passes between the persons engaged in study.

(*i*) Buhler has, "If (while reciting the Veda) they hear noises made by outcasts or Chaṇḍâlas *etc.*," which is clearly a mistake.

SECTION XXXVI.—PENANCES FOR OTHER MINOR SINS.

701. With reference to abandoning of father, mother, and son and selling of water-tank and pleasure gardens, the penances that are prescribed (regarding them) in general as minor sins, should be applied as before considering the caste, ability, merit, etc. (of the expiator). In that (matter) 5 as one who abandons his father and mother is included in the category of those whose company is thus prohibited at dinner, "He who, without reason, abandons his father and mother and likewise his Guru *etc.*" (*j*) the penance that is occasioned by it does also come in. Thus says MANU: "Eating a meal at every sixth meal time, or even 10 a meditative repetition of Saṃhitâ, and also Śâkala offerings every day is the expiation for those whose company is prohibited at dinner" (XI. 270). And those whose company is prohibited at dinner are pointed out in the Section on Śrâddhas by such texts as, "(Those) who are thieves, have suffered 15 degradation (from caste), are impotent (persons) *etc.*" (*k*).

Eating once in three days, meditative repetition of the Saṃhitâ, etc. for abandoning parents.

702. Also with regard to the selling of water-tanks and pleasure-gardens certain penances (of a) special (nature) and lasting for two months are described by (pointing out) the cases (to which they refer) in connection with the description of the penances for the sale of children. 20

703. Next, the defiling of a maiden is mentioned, and in that (case) also the penances lasting for three months or two months, a Chândrâyaṇa, and the like are to be applied to the case of a particular Varṇa (of offenders when the maidens defiled are also) of the same 25 Varṇa. But when (the offenders are) of a superior Varṇa, the penance is subsisting on milk for one month or a Prâjâpatya. For in (the text), "When women are of inferior Varṇas and cherish love, there is no offence, and if (they do) not (cherish love), there is penalty (of money)" 30 (II. 288), it has been shown that penalty is (of a) light (nature). (There is that text of) ŚAṄKHA which says, "He who defiles a maiden and also he who sells Soma shall both of them undertake the vow of Kṛichchhra for one year (*l*);" and (there is also that) text of HÂRITA which (says), "He who defiles a maiden, sells Soma, is the husband of a Vṛiṣalî, abandons a youth- 35 ful wife, drinks the intoxicant called Surâ, conducts the sacrifices of a Śûdra, is the opposer of a Guru, is an infidel, earns his livelihood by (the practice of) infidelity, is ungrateful, deals dishonestly, destroys the livelihood of Brâhmaṇas (*m*), is a false accuser, 40

Three months' penance, Chândrâyaṇa, etc. for defiling a maiden of the same Varṇa.

Subsisting on milk for one month or Prâjâpatya when the offender is of a superior Varṇa.

One year's Kṛichchhra or other hard penance where the maiden is of Brâhmaṇa caste and the offender a Kṣatriya or Vaiśya.

(*j*) MANU III. 157.

(*k*) MANU III. 150.

(*l*) Another reading is *kṛichchhram-abbhakṣaṃ*, perform Kṛichchhra and subsist on water.

(*m*) Some omit this and the two next.

has intercourse with a person who has suffered degradation (from caste), does injury to a friend, strikes one who seeks refuge, and lives by forgery, —these persons shall have resort to (conduct penance) in the midst of five fires, and exposed to the rain, and standing in the midst of water (respectively) during the hot, rainy, and cold seasons, and shall subsist on cow's urine and barley-gruel for one month.'' And both of them apply to a Kṣatriya and a Vaiśya when they defile a maiden of superior Varṇa. But (in the case) of a Śûdra, there is certain corporal punishment. For corporal punishment is seen in (his case by the text), " In case of defiling (a maiden of his inferior Varṇa) the hand shall be cut off, and likewise, if she is of a superior Varṇa (then there is) corporal punishment" (II. 288).

Corporal punishment where a Śûdra is an offender.

704. For conducting the sacrifices of one who is married before his elder brother or giving a daughter in marriage to such a person, crookedness, breaking of such vows that are not prohibited by the wise, likewise beginning of the act of cooking solely for one's own sake, and associating with a drunkard woman, the penance (coming in) generally (in their being) minor sins, are to be settled as before. And the special penances referring to the first two cases are pointed out in connection with the description of the penances for marrying before an elder brother and the conducting of the sacrifices of one who is unfit for the (performance of) sacrifices.

General penances for minor sins for conducting the sacrifice of a Parivindaka, giving a daughter to a Parivindaka, crookedness, etc.

Special ones already described.

705. Next, it has been mentioned that neglecting the Vedic study (is a similar sin). With regard to that if the abandoning is on account of addicting to evil pursuits, then in (the text), " Forgetting of the studied Veda *etc.* " (III. 228), a penance equal to that of Brâhmaṇa-slaying has been laid down. But if the giving it up is on account of listening into (the expositions of) Śâstras, the penance lasting for three months and the like laid down for minor offences are to be applied taking into consideration the caste, ability, merits, etc. (of the expiator). And (there is the text of) VASIṢTHA which says, " He who has forgotten the Veda shall perform a Kṛichchhra (penance) for twelve (days and) nights, and receive the Veda again from his teacher " (XX. 12), and that refers to the case of extreme distress.

Penance as for Brâhmaṇa-slaughter for neglecting the Vedic study on account of evil pursuits.

Three months' penance etc. if on account of Śâstraic study.

Twelve days' Kṛichchhra in the case of extreme distress.

706. Also in the case of abandoning the Sacred Fires, a special (rule) has been laid down by that (VASIṢTHA) himself thus : " He who neglects his Sacred Fires shall perform Kṛichchhra for twelve (days and) nights and

have it kindled again" (XXI. 27). The employing of the expression, 'twelve (days and) nights' is to bring in the harder or lighter Kṛichchhras, the Prâjâpatya etc., with reference to the period of time (intervening) the extinguishing (and the rekindling thereof). Of those (penances), a 5 Prâjâpatya is to be performed if two months (have elapsed), and if it is four months an Atikṛichchhra. If it is six months, (then the penance is) a Parâka. And if it is more than six months, the penances that are prescribed generally for minor sins by YÂJÑAVALKYA should be 10 applied according to the considerations of time etc. But if is more than one year, (the penance is) that lasting for three months or two months (as) laid down by MANU. This is the settlement.

Kṛichchhras for neglecting the Sacred Fires.

Prâjâpatya if two months have elapsed, Atikṛichchhra if four, Parâka if six, and the general penance if more than six, etc.

707. And this refers to the case where the abandoning of it is for 15 want of faith. Thus says VYÂGHRA : "That twice-born person who abandons the Sacred Fire for want of faith, shall perform a Prâjâpatya." But when he gives it up out of mistake, then a special (rule) has been mentioned in the Gṛihya (Sûtras) of BHÂRADVÂJA : "If the abandoning is for three (days and) nights (he shall perform) one hundred Prâ- 20 ṇâyâmas ; (he shall observe) one (day's) fast if it is for twenty (days and) nights ; then if beyond that (time and) within sixty (days and) nights, he shall fast for three (days and) nights ; and beyond that (period and) within one year, he shall perform a Prâjâpatya ; and beyond that if much time (elapses), 25 then the sin is of a heavy nature." Also when one neglects it out of indisposition or the like, even for that case, a special (penance) has been laid down by that (BHÂRADVÂJA) himself : "If twelve days have elapsed (the penance is) fasting for three days ; if one month has elapsed (it is) fasting for 30 twelve days ; and if one year has elapsed (it is) fasting for one month. Or he may subsist on milk (for that period)." But if it is more than one year, a special (rule) has been laid down by VṚIDDHA-HÂRÎTA : "If the Sacred Fires have been lost for (over) one year, Chândrâyaṇa (penance) shall be performed and (the Sacred 35 Fires) kindled afresh. If (they have been) lost (for over) two years, he shall perform a Chândrâyaṇa as well as a Somâyana (*n*). And if (they have been) lost (for over) three years, Kṛichchhras shall be repeated and (the Fires) kindled afresh." (What) 40 Somâyana is will be described in the Section on Kṛichchhras. A special (rule) has been laid down by ŚAṄKHA also : "He who has lost

Offence is light if it is only negligence and not giving up on account of infidelity.

Three days' fasting etc. if out of indisposition.

Chândrâyaṇa etc. if more than one year etc.

(*n*) Some editions read *Somapâna*, a Soma-sacrifice, which clearly is a mistake.

the Sacred Fires, for one year shall perform a Prâjâpatya, and also make a gift of a cow."

Penance as for cow-killing for intentional deserting of a son.

708. For deserting a son and also for abandoning the relatives, (the expiation is) the vow (of penance) for cow-killing if (the act is) intentional. But if (it is) unintentional, the four penances laid down by YÂJÑAVALKYA should be applied with reference to the ability (of the expiator).

Cutting down a tree.

709. For cutting down a tree, the penance (is that which has been) laid down before.

Living by employing one's own wife etc.

710. For earning livelihood by (employing one's own) wife, killing animals, gaining mastery over another (by black arts) and so on, and for taking to the making of mills to (crush) sesamum or sugar-cane, those very penances are to be applied in that very manner.

One year's penance for repeated gambling, employing of black spells, etc.

711. Also for (taking to) evil pursuits such as gambling and hunting those very vows (of penance) should be applied in that very manner. (And there is) the vow (of penance) which (lasts) for one year and is with reference to gambling prescribed by BAUDHÂYANA thus: "Now (follow the penances) which make one impure. Gambling, employing of black spells (to extirpate the enemies), to live by gleaning (ears of corn) though one is not an Âhitâgni, to go about to collect alms though he has returned home (from study), to live with the family of the Guru himself by such a person for over four months, also (the act of) one who would teach him (for over the same period) and (practising at) the science of stars (are) making one impure. (And the expiation) for these (sins) causing impurity (is to conduct penances) for twelve months, twelve half months, twelve days (o), twelve times six days, twelve times three days, three days, and one day (II. i. 15-7)," but that refers to the case of repetition (of it). And (there is this) which is stated by PRACHETAS, "He who speaks falsehood, a thief, a king's servant, he who lives by planting trees, he who administers poison, an incendiary, he who lives by mounting horses, chariots, and elephants, he who lives by (giving performance on) the stage, a dog-feeder, he who teaches Śûdras, the husband of a Vṛiṣalî, a Bhâṇḍika, he who lives by (the science of) stars, he of a dog's mode of life, he who lives by the Veda, he who (professionally) treats others' diseases, a temple-worshipper, a priest, a tale-bearer, he who drinks intoxicants, a false witness, he who sells (his) children, and

Abandoning all wealth, eating once in two days etc. for speaking falsehood, theft, serving the king, etc.

(o) "Twelve times ten days"—Buhler. In that case the reading ought to be *dvâdaśa-daśâhân*, which alone looks better. But no edition before us gives that reading.

he who sells men and cattle, shall be approached and raised from their sinful condition in due manner as decided by the (adjudication of the) Brâhmaṇas and those (sinners) shall (be made to) abandon all their wealth, partake of food at every fourth meal time (only), and bathe at the three Savanas ('press hours'), and at the end (of the course of the penance, 5 they shall) satisfy the gods and manes and (give) as well as one day's diet to the cows. Thus shall those (sinners) be treated with." Even that (course of penance) refers to the same case as (the text of) BAUDHÂYANA (does). A dog-feeder (is one) who lives by (keeping) a batch of dogs.

Definition of a 'dog-feeder,' a Bhâṇḍika, etc.

A Bhâṇḍika ('piper') is one who, being other than 10 a Vandin ('attending bard'), wakes the king up by the music of brass pipes etc., for the case of Vandins has been treated elsewhere. One of a dog's mode of life is a menial. He who lives by the Veda is one who does service (to another) by (taking) money for (doing) the acts to be done by the Brâhmaṇas. "Eating at 15 the sixth meal hour for one month" (p) and the like penances which have been laid down by MANU with reference to those whose company is prohibited at dinner are to be applied with reference to the caste etc. (of the offender), for even in the category of those whose company is prohibited at dinner, (a category) given by that (MANU), a tale-bearer 20 and the like who take to evil pursuits have been mentioned.

General penances for minor sins for selling one's own self.

712. Even in (the case of) selling one's own self and in (the case of rendering) service to a Śûdra, the penances that are common (to minor sins) are to be applied exactly as before. (There is the text) which is laid 25 down by BAUDHÂYANA as, "Sea-voyage, robbing of a Brâhmaṇa's deposit, to deal in any (sort of) saleable goods (without discrimination), giving false evidence regarding land, rendering service to a Śûdra, and begetting a son on a Śûdra woman, becoming her "son" thereby,—a penance is pre- 30 scribed for these (acts as): They shall eat, moderately at (only) the fourth meal time or, as a secondary rule, bathe at the three Savanas (every day). (They shall spend the day) by standing and (the night) by assuming (particular) postures, and thus in three years they shall be free from that sin" 35 (II. ii. 1—10), but that refers to (the case) where the act is repeated for a long time.

A three years' penance for sea-voyage, stealing a Brâhmaṇa's deposit, etc.

713. And in the case of friendship with men of inferior castes, the penances (are those) very (ones) common to the minor sins. But (there is the text) which is stated 40 by PRACHETAS thus, "Having caused breach of friendship one shall abstain from food for one day

Ordinary penances for friendship with men of inferior castes.

(p) MANU XI. 200.

and night, offer burnt offerings, and drink milk," but that refers to the breach of friendship with one who is not inferior in Varṇa.

Ordinary penances for attachment to a woman of inferior Varṇa.

714. Even in the case of attachment to an inferior woman, the penances that are common to the minor sins are to be applied. But (there is this) which is laid down by ŚÂTÂTAPA, "A Brâhmaṇa who has first (associated himself) with a Kṣatriya's daughter, shall perform Kṛichchhra for twelve (days and) nights, (stop connection with her), marry (duly), and take her too back (at last); if, on the other hand, he is first (attached) to a Vaiśya's daughter he shall (have to) perform a Tapta Kṛichchhra; and if first (attached) to a Śûdra girl a Kṛichchhra-Atikṛichchhra. If he is a Kṣatriya and has first (associated himself) with a Vaiśya girl, he shall perform Kṛichchhra for twelve (days and) nights, (stop connection with her), marry (duly), and take her also back (at last), but if (he was attached) to a Śûdra girl first, (he shall perform an) Atikṛichchhra. And if he is a Vaiśya and (is attached) first to a Śûdra girl, he shall perform Kṛichchhra for twelve (days and) nights and also take her back (at last)." With regard to this, (the expression), "stop connection with her), marry (duly), and take her too back (at last)" (q), means that at a time subsequent to the performance of (one of the necessary forms of) Kṛichchhra (as prescribed) and after (getting himself) married to a woman of the same Varṇa (as himself), he shall also take back her, (that is,) the Kṣatriya girl and the like, (in due manner).

When one is attached to a woman of inferior Varṇa first, he must perform a prescribed form of Kṛichchhra, marry duly, and take her also in due manner.

Ordinary penances if the act is committed intentionally.

715 But this refers to (the case where the act is committed) unintentionally. On the other hand if (the act is) intentional, it should be understood that the penance common to the minor sins is in fact settled (to apply to that case).

Prâjâpatya penance for unintentional offence with cattle or approaching a public woman unintentionally.

716. Approaching public women also comes to be described by (the expression), "Attachment to an inferior woman." Even with (regard to) that, what has been laid down by SAṂVARTA as, "For (committing unnatural offence with) cattle and knowing carnally a public woman a Prâjâpatya (penance) is laid down," is to be understood (to hold good when the act is committed) unintentionally.

(q) The original word is *upayachchhet*, which though literally means 'marry,' we have translated it as 'take her back.' Our reasons are two: (1) If he has known her carnally, then whatever form of marriage, Gândharva or the like, has preceded it, that itself is quite sufficient to constitute the sacrament of marriage and no more sacrament of that sort can come to a deflowered damsel, and it is only a restitution of conjugal rights. (2) Or if it was a mere formal attachment, then taking her back might be taken to mean taking her back in due form of marriage.

But if (it is committed) intentionally, (the following) which has been laid down by YAMA should be understood (to hold good): "The twice-born classes do get rid of the sin produced by approaching public women by drinking once and once (a day), for seven (days and) nights, hot water in which Kuśa grass is boiled."

Subsisting on Kuśa water for seven days for intentionally approaching a public woman.

717. Also the penances that are common to the minor sins are to be applied with reference (to the fact that the act is committed) intentionally, unintentionally, or repeatedly. With regard to it (where the act is) repeated intentionally, if, according to the maxim, "What is occasioned (by a cause) repeats (itself) with each (recurring of the) cause (occasioning it)," the penance is likely to occur repeatedly at every repetition of the cause (occasioning the penance), a special (rule) has been laid down by LAUGÂKṢI thus: "With regard to a repetition (of the offence), the augmentation (of the penance) is laid down (to be) proportionate to the number of days if within one month. Then so long as it is one year the augmentation is proportionate to the number of months (elapsed). Thereafter it is proportionate to the number of years (that elapse) so long as the sin is being committed."

Ordinary penances also according to the amount of the offence.

If the offence is intentionally repeated, the penance increases proportionately with the number of days if within one month; with the number of months if within one year; *etc.*

718. This refers to (the case where the act is repeated) intentionally. But if the repetition is unintentional, a special (rule with regard to it) is laid down in the Chaturviṃśatimata: "Whatever is declared (to be the extent of the penance) when (the act is) once committed, thrice that it is (if the act is repeated) for three days. It is declared to be five times if (the act is repeated) for one month, and (if) for six months it becomes tenfold. (It) becomes fifteenfold (if) for one year, and twenty times (if) for three years. Even thereafter should it be reckoned in this wise as (pointed out by) the statement of ŚÂTÂTAPA." Further (there is this) which lays down the repetition (of the penance) with each (recurring of the) cause (occasioning it), "At the second (repetition of the act) twice (the penance laid down) by this rule pertaining to the first (committing of the act) shall be performed," and it has already been said that it refers to (the case of) mortal sins. Also (there is the text) which, after prefacing (the topic) with the approaching of a public woman, is stated by YAMA, "Some hold that the vow (of penance prescribed) for violating a Guru's bed (shall be observed), some that the Chândrâyaṇa vow (of penance), others (that) (prescribed) for a slayer of a cow, and the rest (that) itself laid down for a Brahmachârin who has committed

If unintentional repetition, thrice the penance in three days, five times in one month, ten times in six months, etc.

Repetition of the penances for only the first three repetitions of the offence refers to mortal sins.

Extension of the vow of Brâhmana-slaughter for uninterrupted and immoderate excess with a public woman.

an act of incontinence." But this refers to (the act) repeatedly committed, uninterruptedly and immoderately, ever since one was born.

Krichchhras and Chândrâyaṇa for not taking to an Âśrama.

719. Thereafter it has been mentioned "Not taking to an Âśrama likewise" (is a similar sin). With regard to it, a special (rule) has been laid down by HÂRÎTA: "He 5 who remains without an Âśrama for one year shall perform a Prâjâpatya Krichchhra, and embrace an Âśrama. If (he remains so even) during the second, (he shall perform) an Atikrichchra, (if even) during the third, a Krichchra-Atikrichchhra, and thereafter a Chândrâyaṇa." This refers to the case of impossibility. But 10 when it is possible, the penances (laid down) for minor sins in general, should be settled according as (his so remaining) was intentional or unintentional.

Ordinary penances where there was a possibility.

Ordinary penances for battening on another's food etc.

720. Also in the cases of battening on another's food, mastering of sciences that are not noble, employment in mines, 15 and selling of a wife, the penances laid down by MANU and YÂJÑAVALKYA commonly for all the minor sins are to be decided (as holding good) with reference to the caste, ability, nature, etc. (of the expiator).

SECTION XXXVII.—PENANCES FOR ACCEPTING GIFTS FROM 20 PERSONS THAT ARE NOT NOBLE.

721. With reference to (the following, namely), "The selling of a wife and so on, [every one] of them *etc.*" (III. 242), it has been said that the word *Cha* ('and so on') is for the purpose of referring by synecdoche to the accepting of gifts from (sources that are) not noble, partaking of prohibited 25 food, and the like dealt with by MANU and others. With regard to them (the sage) prescribes a special penance for accepting unworthy gifts:

Staying in a cow-pen, observing Brahmacharya and observing the vow of (subsisting on) milk for one month,

CCXC. And being intent on meditatively repeating 30 Gâyatrî, one is purified from the (sin of) accepting unworthy gifts.

Subsisting on milk for one month etc. for accepting unworthy gifts.

He who accepts unworthy gifts, (that is,) gifts prohibited, shall observing Brahmacharya stay in a cow-pen, be intent upon meditatively repeating Gâyatrî, (that is,) be 35 devoted to the meditative repetition of Gâyatrî, observe the vow of (subsisting on) milk for one month, and is thus purified.

Unworthy nature of gift depends upon the caste, profession, etc. of the giver;

722. Now, the unworthy nature of the gifts depends upon the caste and the profession of the giver, as (for example), (the gift) of a Chaṇḍâla and the like and also 40 (that) of a person who has suffered degradation

(from caste), and so on. Similarly it is dependent upon time and place also, as, (for example), (that made) at Kurukṣetra, at the time of an eclipse, etc. And likewise it is also dependent upon the material that is to be accepted, as, (for example), Surâ, a ewe, the bed of a dead person, a cow the head of the calf of which has just come out of her vulva, and so on. But when he accepts a ewe or the like from a person who has suffered degradation (from caste) etc. then it must be observed that a penance harder than this (should be prescribed), for the cause occasioning the penance is rendered stronger by the coming in of two violations (together).

and place or time ;

and material of gift ;

Harder penances where there are more causes than one.

723. With regard to those (penances), a special rule giving out the number of the meditative repetitions has been laid down by MANU thus: "Having with self-restraint, meditatively repeated three thousand (times) Gâyatrî, (he shall for) one month stay in a cow-pen, subsist on milk, and (is thus) liberated from (the sin of) accepting unworthy gifts" (XI. 194). It should be noticed that the meditative repetition (of Gâyatrî) is three thousand (times) every day. For it is understood by *mâsam* ('for one month'), a word in the objective case, that the meditative repetition (of Gâyatrî), numbering three thousand, extends to every day.

Three thousand Gâyatrî a day for one month.

724. Next when one accepts a sheep or the like which are forbidden, from a Brâhmaṇa etc. who justly follow their own occupation, or (when he accepts) materials that are not prohibited, such as land etc., from a person who has suffered degradation (from caste) and the like, then that (penance) which has been laid down in the Ṣaṭtrimśanmata should be noticed (to hold good): "By (the performance of) Pavitraiṣṭi all terrible (sins resulting from the) accepting (of prohibited) gifts are purified, (and so they are) by an Aindava, a Mṛigâraiṣṭi, and sometimes by a Mitravinda. And (men) are purified from (the sin of) accepting unworthy gifts by a meditative repetition of the Blessed (Sâvitrî) itself one hundred thousand (times)." But (there is) the text of VRIDDHA-HÂRÎTA which runs thus: "Having accepted a gift from a king, one shall always, for one month, stay in water, drinking milk (only) at the sixth meal time, and he is purified when the month ends, having pleased the Brâhmaṇas with what they desire and himself always observing the vow of self-restraint," and that (should be understood to) refer to the above case (itself) where there is a repetition. Or otherwise, it refers to (a case of) accepting the skin of a black (spotted) antelope etc. from a person who has suffered degradation (from caste) or the like, at Kurukṣetra and so forth, on the occasion of an eclipse and so on.

When there is only one cause rendering the gifts unworthy, Pavitreṣṭi, Mṛigâreṣṭi, etc. would do.

Harder penance if the above act is repeated ;

or where several causes agglomerate.

725. Similarly from the trivial nature of the material that is to be accepted, the penance (is also comparatively) light Thus says HÂRÎTA : "Having accepted a gem, a raiment, a cow, and the like, one shall meditatively repeat Gâyatrî one thousand and eight (times)." Similarly there is this in the Ṣaṭtriṃśanmata also : "And when only as much as Bhikṣâ is accepted, one shall recite propitious Mantras. And in the case of all accepting of gifts a sixth part (of that penance) must be taken (to hold good)."

1008 Gâyatrî for accepting a raiment, a cow, etc.

And this multitude of penances should be noticed (to hold good) after the material (received) has been abandoned. For says the text of MANU : "Whatever material Brâhmaṇas earn by prohibited means, they are purified by abandoning it, by meditative repetition (of the Mantras), and even by austerities" (XI. 193). In the same way even the other Smṛiti texts are to be decided as referring to (particular) cases by considering the substantial nature or the lightness or excessiveness of the material (accepted).

Accepted material must be abandoned and the penance then proceeded with.

Thus ends the Topic on Penances for Minor Sins.

SECTION XXXVIII.—PENANCES FOR EATING FORBIDDEN FOOD.

726. And the group of penances for food etc. prohibited on account of the (censure attached to their) species, source, and the like, expressed by the lord of Yogins by (means of significant) words will now be propounded.

With regard to the eating of onions etc. which are prohibited on account of (the censure attached to) their species, (the act being committed) intentionally and once, a Chândrâyaṇa (penance) has been prescribed by (the text), "Onions, a village pig, etc. (being eaten, a Chândrâyaṇa shall be performed)" (I. 176). But if (the act is) repeated intentionally a penance equal to (that for) drinking Surâ (liquor) has been prescribed by (the text), "Eating of what is forbidden, crookedness, etc. (are equal to drinking Surâ)" (III. 229). If (it is) eaten once unintentionally, a Sântapana (penance should be performed). If (there is) repetition in that very (act of eating it unintentionally) a Yati-Chândrâyaṇa (penance) (should be performed). For says the text of MANU thus: "Having eaten these six unintentionally (one) shall perform a Sântapana Kṛichchhra, or even a Yati-Chândrâyaṇa. And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20).

Chândrâyaṇa for intentionally eating onions.

Intentional repetition for forbidden eating necessitates the penance for drinking Surâ.

Sântapana for eating once unintentionally.

A Yati-Chândrâyaṇa for unintentional repetition.

727. Next (there is the text) which has been laid down by BṚIHAD-YAMA: " Khatva, Vârtâka, (*r*), Kumbhîka (*s*), things produced of the sap of trees, Bhûtrina (*t*), pot-herb too, Khukhaṇḍa, and Kavakas (*u*). Having partaken of these a twice-born (person) shall perform a Prâjâpatya;" but that refers to the case (where the act is) repeated intentionally. For, (a penance lasting for) three days has been laid down by the lord of Yogins for eating them intentionally and once, (in the text): "(These) and also the fish. Having eaten them intentionally, one shall spend three days in fasting" (I 175). Khatva (is a) bird of (that) name, and some (say that it is) Kusumbha. Kavaka is a vegetable (variety) called Râjasarṣapa ('black mustard') and Khukhaṇḍa is a species of it, and it expressed after the manner of Gobalîvarda (*v*). Also (there is this) which is laid down by YAMA: "Taṇḍulîyaka (*w*), Kumbhîka, things produced of the sap of trees likewise, Nâlikâ, Nârikelî also, fruits of Śleṣmâtaka tree (*x*), Bhûtṛiṇa, pot-herb likewise, what is called Khatva, and Kavaka likewise,—having partaken of these things, one shall observe the Prâjâpatya vow (of penance). Even that refers to the repetition (of the act committed) intentionally. Nâlikâ as well as Nârikelî are particular varieties of vegetables, and so (is what is) called Khatva. But if (they are) eaten once unintentionally, what has been laid down by MANU as, "And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20), should be observed (to hold good). For (eating) those very (things) repeatedly, (the penance) should be repeated. And if the repetition is excessive, (then) what has been said by PRACHETAS should be taken (to hold good): "Whatever food is defiled by contact, or defiled by (particular) actions, or also that which is tainted by nature, if one eats, he shall perform a Tapta Kṛichchhra."

Prâjâpatya for an intentionally repeated eating of Khatva, Vârtâka, etc.

Three days' fasting for eating them intentionally and once.

Prâjâpatya penance for intentionally repeated eating of Taṇḍulîyaka, Kumbhîka, etc.

One day's fasting for eating once unintentionally.

Tapta Kṛichchhra for excessive repetition.

(*r*) Fruit of the egg plant.

(*s*) Rottleria Tinctora or Pistia Stratiotes.

(*t*) 'Earth-grass.' Andropogon Schœnanthus.

(*u*) This seems to be fungus or mushroom. But the explanation given below is different.

(*v*) This is what is called Gobalîvarda-Nyâya, or the maxim of the cow and the bull. Although *go* is a generic term and denotes the cow as well as the bull, yet the specific term *balîvarda* is used immediately after it in order to show that the term is to be taken here in both its generic and specific aspects. That is to say, all the animals that can come under the class of *go* are to be comprehended. The use of *Kavaka* and *Khukhaṇḍa* here is intended to show that all things coming under the class of *Kavaka* are to be comprehended.

(*w*) Amaranthus Polygonoides.

(*x*) Cordia Myxa.

Chândrâyaṇa for unintentionally partaking of Nîlî once.

Repetition of the penance for repetition of the offence.

728. For having partaken of Nîlî once unintentionally, a Chândrâyaṇa (penance) should be performed. For says the text of ÂPASTAMBA thus: "And if a Brâhmaṇa does in any case partake of Nîlî by mistake purification can be (attained by him) by (performing) a Chândrâyaṇa. (So) said the sage ÂPASTAMBA." Even where (the act is) repeated intentionally a repetition (of the penance) should be prescribed.

One full day's fast for partaking of hemp-flowers, silk-cotton, etc. unintentionally.

729. (There is) also (the following) which is stated in the Ṣaṭtrimṡanmata: "Having partaken of the hemp-flowers, Ṡâlmala ('silk-cotton plant'), curds churned by the hand, and Puroḍâṡa placed on the outer Vedî (?), one shall abstain from food for one day and night;" and even that refers to the (case where the act) committed unintentionally. And (there is the following) which is laid down by SUMANTU, "For having eaten garlic, onion, turnip, and Kavaka, one shall with one thousand and eight Gâyatrîs, sprinkle water on the head;" but that refers to the eating (of them) by force by one who is averse to such. Or it may be taken to (apply to the case of) eating them for the purpose of having the diseases cured, (diseases) which are only possible to be cured by such. It is for this very reason that it has been next added by that very (authority): "These very things are not prohibited for one who is suffering from diseases, in the treatment of the diseases. Also in (using) even such as are of this kind, there is no sin (of violating the rule)." (The expression) *sampâtân nayet* (in the above text means) that he shall sprinkle drops of water.

Sprinkling of water on the head to the repetition of 1008 Gâyatrîs for eating onion, garlic, etc. out of force or for medicinal purposes.

One day's fasting for drinking Sandhinî milk etc. unintentionally; three days' fasting for intentionally.

730. Now (to) the penance for partaking of the milk of a Sandhinî-cow and the like (things) which are tainted in the (very) origin. With regard to that, where the (act of) drinking is (done) once unintentionally, it should be understood that the fasting prescribed by MANU thus (holds good): "And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20), after stating "The milk of a cow (whose calf is) not yet ten days (old), and (the milk) of a camel, of one-hoofed animal likewise, and of a sheep, the milk of a Sandhinî-cow, and the milk of a cow the calf of which is dead; (the milk) of all the wild animals excepting a cow-buffalo, the milk of a woman also, and all (sweet) liquids that have indeed turned sour are to be rejected. Of the (sweet) liquids that have turned sour curds can be partaken of and likewise all things produced of curds" (V. 8-10). And if (the same is done) intentionally, fasting for three days laid down by YÂJÑAVALKYA should be taken (to hold good).

Next (there is this) which has been stated by PAIṬHÎNASI: "Having partaken of the milk of a sheep, an ass, a camel, and a woman, (the penance is) Tapta Kṛichchhra as well as re-initiation (into Brahmacharya). For drinking the milk of a cow (whose calf) is not yet ten days (old), (the penance is) abstaining from food for six (days and) nights. This very same (is the penance) even for drinking the milk of all two-teated animals excepting the goat;" and also a vow (of penance of) subsisting on barley-gruel is thus prescribed by ŚAṄKHA: "Having eaten the production of such milks as are prohibited from being partaken of, a wise man with (all) efforts should with self-restraint, perform the vow (of penance) for seven (days and) nights," and both of them refer to the (case of) intentionally repeating the act. Next in (this text), "Having partaken of (the milk of) a Sandhinî-cow, and of a (cow) that eats impure substances, one shall observe the vow (of penance for) half a month," a vow (of penance lasting) for half a month is laid down by ŚAṄKHA for partaking of the milk of a Sandhinî-cow or of a (cow) that eats impure substances, and that also refers to the (case of) repetition (of the act). For, (in the text), "Having partaken of any sort of milk other than that a cow, a goat, and a cow-buffalo, one shall observe fasting, and (having partaken of) even (the milk of) a cow (whose calf is) not yet ten days (old), a Sandhinî-cow, a cow that brings forth twin calves, a Syandinî cow, a cow whose calf is dead, and also (a cow) that eats impure substances," fasting has been laid down by VIṢṆU with reference to a partaking of such (but) once.

Tapta Kṛichchhra and re-initiation into Brahmacharya for drinking the milk of a sheep, an ass, a camel, etc.

Six days' fast for intentional repetition of the act.

Or half a month's fasting for repetition.

Similarly prohibition too depends upon the Varṇa (of him who partakes of the milk) and as (it is thus stated): "If even a Kṣatriya, a Vaiśya, or even a Śûdra, following (his own good) occupation, would drink the milk of a Kapilâ cow, there is no worse sinner than himself." With regard to this and the like (acts), where a penance has not been noticed to have been laid down in express terms, there the general penance laid down by MANU as, "And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20) should be taken (to hold good).

Prohibition depends upon the Varṇa of the offender.

One day's fast where a penance for eating forbidden things is not expressly stated.

731. Now is described the penance for eating flesh etc. that are tainted on account of their (very) nature. In that matter, if (flesh is) eaten intentionally (y) once, then the general penance which is laid down by MANU as, "And for (having eaten) other (forbidden things) one shall observe fast for one day," should be understood (to hold good) (z).

One day's fast for partaking of prohibited flesh once.

(y) S. omits these two sentences.

(z) V. 20.

But if (it is done simply) out of intention, then what has been stated by YÂJÑAVALKYA should be understood (to hold good): "Having intentionally eaten Châṣas ('sparrows'), red-footed birds, flesh from a butchery, dry flesh also, and fish, one shall spend three days in fasting" (I. 175). And if it is done intentionally but repeatedly, what has been laid down by MANU should be noticed (to hold good): "And having partaken of forbidden flesh, one shall drink for seven (days and) nights barley (gruel)" (XI. 152). 5

Three days' fast if it is intentional.

Subsisting on barley-gruel for seven days if it is intentionally repeated.

And this refers to the (case of eating the) flesh other than (that of) a village pig and the like, for with (reference to) the particularity of the species a special penance has been laid down by MANU thus: "For having eaten the (flesh of) carnivorous (animals), village pigs, and camels, and of fowls, and also of men, crows, and donkeys, expiation is (the performance of) a Tapta Kṛichchhra" (XI. 156). 10 15

Particular penances for eating particular kinds of forbidden flesh.

Tapta Kṛichchhra for eating carnivorous animals, village pigs, etc.

732. Even for the swallowing of urine and fæces of these (animals) this very (penance should be performed). For says the text of BṚIHAD-YAMA thus: "Of pigs and (animals with) uncloven hoofs, and likewise of a crow and a fowl, also of carnivorous animals, and also of all such (animals) as are described to be unfit for being eaten, if (one) would swallow the flesh, urine or ordure, or even the flesh of cows, and also (that) of a dog, a fox, or a monkey, it is declared (that) Tapta Kṛichchhra (is the penance). Or having fasted for twelve days, he shall make offerings of ghee into the fire by the Kûśmâṇḍa (Mantras)." With regard to that the decision is that Tapta Kṛichchhra (is the penance) if (the act is) committed intentionally, and if there is a repetition, (it is) a Parâka attended with Kûśmâṇḍa (burnt offerings). 20 25 30

The same penance for swallowing the urine and fæces of these very animals.

Or offering with ghee with Kûśmâṇḍa Mantras.

Similarly it has been stated by PRACHETAS also thus: "If the flesh of a dog, a fox, a crow, a fowl, a spotted deer, a monkey, a leopard, a Châṣa ('sparrow'), a carnivorous (animal), an ass, a camel, an elephant, a horse, a village pig, a cow, or a man is eaten, Tapta Kṛichchhra (penance) should be prescribed, but if the urine or ordure of these (is) swallowed, an Atikṛichchhra;" and this refers to an act committed intentionally. Next (there is) the text of UŚANAS which (runs) thus, "Having eaten the flesh of a man or the flesh of a dog, beef, or (the flesh of) a horse, or also (the flesh) of five-toed (animals), one shall perform the Mahâsântapana (penance);" but that refers to (an act) committed unintentionally. 35 40

An Atikṛichchhra for eating the flesh of a dog, cow, man, etc. intentionally or if their urine or ordure is swallowed.

Mahâsântapana for unintentionally eating the flesh of man, etc.

Also (there is) the text of AṄGIRAS which says, "Having seen or touched the ordure of these, (namely,) a crane, a Bhâsa, an eagle, a rat, an ass, a monkey, and a pig, one is purified by sipping Âchamana water. Having swallowed the ordure of these (animals) the twice- 5 born classes shall perform a Sântapana Kṛichchhra if (the act is) committed intentionally, and the Prâjâpatya (penance) if committed unintentionally"; but that refers to the case where the thing is (first) swallowed and then vomitted. 10

Sipping Âchamana for touching the ordure of a crane etc.

Sântapana Kṛichchhra for swallowing.

Also by the word 'Sântapana' here a Mahâsântapana is denoted, for a Prâjâpatya is prescribed if (the act is done) unintentionally.

Next (there is) the text of AṄGIRAS which says, "Having eaten the flesh of a man, a crow, an ass, or a horse, or also of an elephant, (or having swallowed) the urine and 15 ordure of these, a twice-born (person) shall perform a Chândrâyaṇa;" and (there is) also (the following) which is laid down by BṚIHAD-YAMA, "For having eaten dry flesh, a Brâhmaṇa shall observe the Chândrâyaṇa (penance)," and both of these refer to (the case of) intentional repetition. 20

Chândrâyaṇa for intentionally repeated eating of human flesh, a crow, an ass, etc.

Further (there is this) which is stated by ŚAṄKHA, "Having eaten (the animals) with two rows of teeth, and likewise the (animals with) uncloven hoofs, and having swallowed the flesh of a camel or beef, one shall observe the vow (of penance for) six months," but 25 that refers to (an act committed) intentionally and also excessively repeated.

Six months' penance for excessive intentional repetition.

Next (there is this) which is stated in another Smṛiti: "And having eaten the flesh of men, and likewise a village pig or an ass, (the flesh) of a cow, a horse, an 30 elephant, or a camel, likewise (the flesh) of all the five-toed animals, and also a carnivorous (animal) or a village fowl, one shall perform the penance for one year"; but that refers to (the case of) excessive and continuous repetition.

One year's penance for excessive continuous repetition.

In this topic the use of (the terms) 'urine' and 'ordure' (is expressive 35 by) synecdoche of suet, semen, blood, and marrow. But with regard to the group of (those) six organic impurities, the excretion of the ear etc., half (of the said penances) should be prescribed.

Suet, blood, etc. are signified by urine and ordure.

Half the penance if ear-scum etc.

733. Next, where hair etc. (are swallowed), a special (rule) has been 40 stated in the Ṣaṭṭriṃśanmata thus: "For having partaken of the raw flesh of a goat, a sheep, a buffalo, or a deer, or having swallowed the hair, claws or blood (of those animals), (the penance is for) three

Three days' fasting for intentionally swallowing hair etc., and one day's if unintentional.

days if (the act is) committed intentionally, and (sheer) fasting if unintentionally. Next (there is the text) which is stated by PRACHETAS, "For having swallowed nails, hair, earth, and a clod of earth, the purification (is) by fasting for one day and night"; but that also refers to a swallowing (done) unintentionally once. Next (there is the) text of another Smṛiti, "Having swallowed hair, insects, or nails, and even fish-bones, one shall partake of milk in which (a) gold (piece is put while it) is boiled, and is instantaneously purified (thereby)"; but that refers to the case where (the thing) merely gets into the mouth. 5 10

Drinking of milk when hair etc. get into the mouth.

734. But when the food contained in the platter becomes tainted by hair and the like, then that which has been stated by PRACHETAS thus should be understood (to hold good): "If at the time of eating, the food becomes tainted by flies or hair, he shall soon wash his hand and touch that food with ashes." This verse (has been cited) by (way of suggestion by) the topic. 15

Touching the food with ashes if defiled on the platter.

735. But when minute worms, insects, or bones are swallowed a special (rule) has been stated by PRACHETAS thus: "Having swallowed worms, insects, ants, and the bones of aquatic animals and birds, one is purified by subsisting on cow's urine and cowdung for three days." An aquatic animal is a fish or the like. 20

Subsisting on cow's urine for three days for swallowing minute worms etc.

And thus for having eaten the flesh etc. of beasts, birds, aquatic animals, and men, the penances in brief have been pointed out, and (the penance referring to) each case is not given here lest the bulk of the work might increase. 25

736. Next, (with regard to) the penance for eating a thing (defiled) by contact of impurity. With regard to this (matter the penance) for partaking of what is defiled by the mouth (of another) will be laid down first. MANU (says) on the point, "Having eaten what is defiled by the mouth of a cat, a crow, and a rat and also of a dog or a mungoose, and (having eaten) also what is defiled by hair, or insects, one shall drink (water in which) Brahma-suvarchalâ (a) (is boiled)" (XI. 159). (But here) as the extent of time has not been expressly stated, (it must be taken to be) one (day and) night. And also this must be understood (to refer to the case where the act is) committed unintentionally. But (there is) the text of VIṢṆU which says, "Having partaken of the liquids and foods (that are in) large (quantities) (but) have been defiled by the mouth of birds and beasts of prey, and also of that (food) wanting in purificatory ceremonies (one shall perform the penance consisting of) one quarter of Kṛichchhra," but that refers to the (case 30 35 40

Subsisting on the decoction of linseed for unintentionally partaking of Uchchhiṣṭa of a cat, crow, etc.

A quarter of a Kṛichchhra for intentionally partaking of large quantities of food, defiled by a bird's mouth etc.

(a) Suvarchalâ is linseed, Linúm Usitatissimum.

where the act is) committed intentionally. And the purificatory ceremony should be understood (to be that) mentioned in the topic on purification of things by *Devadroṇyâm etc.* Also (there is the text) which has been laid down by ŚÂTÂTAPA, "If the food that is licked by the mouth of a dog, a crow, or the like, and also that which remains after the Śûdras have partaken of their meal, (the penance is) an Atikṛichchhra," and that refers to the case (where the act is) repeated unintentionally. And in (these words), "Having partaken of what is defiled by the mouth of a dog, one shall observe the vow (of penance) for one month, and having eaten what is defiled by the mouth of a crow or by the smell of a cow, one shall observe the vow (of penance) for half a month," the vow of (subsisting on) barley(-gruel) which is laid down by ŚAṄKHA refers to the case where (the act is) repeated intentionally.

Atikṛichchhra for eating what is left after Śûdras have partaken of their meal, what is licked by a dog, etc.

One month's penance for intentional repetition.

737. But when the food remaining after the Brâhmaṇas etc. have partaken of their meals is eaten, (a penance) has been laid down by BṚIHAD-VIṢṆU thus: "A Brâhmaṇa shall drink Pañchagavya (for) seven (days and) nights for eating the remaining food after a Śûdra has partaken of his meal, for five (days and) nights for eating the food remaining after a Vaiśya has taken his meal, for three (days and) nights for eating the food remaining after a Kṣatriya has partaken of his meal, and for one day for eating the food remaining after a Brâhmaṇa has partaken of his meal." Next there is the text of) YAMA which says, "Having partaken of food along with a Brâhmaṇa, (one) is purified by (performing a) Prâjâpatya; having partaken of food along with a Kṣatriya (one) is purified by (performing a) Tapta Kṛichchhra; having partaken of food along with a Vaiśya (one) is purified by (performing an) Atikṛichchhra; and having partaken of food along with a Śûdra, one shall observe the vow of a Chândrâyaṇa (penance);" but that refers to the (case of) intentional repetition (of the act). Next (there is) the text of ŚAṄKHA which (says), "Having eaten the Uchchhiṣṭa of a Brâhmaṇa, (one) shall sanctify the water with the Vyâhṛitis and drink (it); having eaten the Uchchhiṣṭa of a Kṣatriya, (one) shall subsist for three days on milk which has been boiled with the juice of a Brâhmî plant (*b*); for having eaten the Uchchhiṣṭa of a Vaiśya, (one) shall fast for three days, and drink the (water in which) Brahma-Suvarchalâ (has been boiled); and having partaken of the Uchchhiṣṭa of a Śûdra, (one shall) abstain from food for six (days

Pañchagavya for seven, five, three, and one day for eating what is left after a Śûdra, a Kṣatriya, a Vaiśya, or a Brâhmaṇa have partaken of their meal.

Kṛichchhras and Chândrâyaṇa for repetition.

Drinking water with Vyâhṛitis, subsisting on milk and Brâhmî for three* days, Brahma-Suvarchalâ decoction for three days, and fasting for six days respectively if the act is unintentional.

(*b*) This is otherwise called Vârâhî.

and) nights"; and that refers to the (case where the act is) committed unintentionally. With regard to these (cases) if there is repetition, twice etc. (of the penance) should be prescribed.

Exception in the case of a father etc.

And this (refers to the Uchchhiṣṭa of those) other than (one's own) father etc. For says the text of ÂPASTAMBA, "The Uchchhiṣṭa of (one's own) father and also (that) of an elder brother might be eaten" (I. iv. 11). (There is) the text of BṚIHAD-VYÂSA which (says), "Though (one's own) mother, or sister, or even wife, or other women, no meal shall be partaken of along with those (women), and having partaken of it, one shall observe a Chândrâyaṇa," and that refers to the case of eating together. But where (the question) is only (one of) eating their Uchchhiṣṭa, the (penance) prescribed by ÂPASTMABA should be taken (to hold good: "For eating the Uchchhiṣṭa of the Śûdras, one shall abstain from food for seven (days and) nights, and also (for eating the Uchchhiṣṭa) of women" (I. 26, 4-5). And (there is) the text of AṄGIRAS which says, "If one eats in company with a Brâhmaṇa woman or (her) Uchchhiṣṭa at any time, (then) all the wise men are (unanimous in) regarding that there is no sin there," and that refers to the (occasion of) marriage or (even that of) distress. But when the Uchchhiṣṭa of persons of the lowest caste is partaken of, that should be taken (to hold good) which has been stated by ÂPASTAMBA thus: "Where persons of the twice-born classes eat the Uchchhiṣṭa of persons of the lowest caste, the rule (is that) a Chândra, a Kṛichchhra, and half of that (Kṛichchhra) (are respectively the penances) for Brâhmaṇas, Kṣatriyas, and Vaiśyas." 'Chândra' here means a Chândrâyaṇa. But where the Uchchhiṣṭa of those living outside the village is eaten, that (penance holds good) which has been laid down by AṄGIRAS thus: "For having eaten the food which has become the Uchchhiṣṭa of Chaṇḍâlas, outcasts, etc. a Brâhmaṇa shall observe the (vow of) a Chândrâyaṇa (penance), and a Kṣatriya a Sântapana, and (fasting) for six (days and) nights and three (days and) nights in order the (last two) Varṇas." It should be understood that here a Sântapana is a Mahâsântapana. And (if it is) at the (time of) distress, that which has been laid down by PARÂŚARA should be taken (to hold good): "But if at the time of distress, food has been eaten by a Brâhmaṇa in the house of a Śûdra, he is purified by repenting in his mind, and he shall meditatively repeat Drupada one hundred (times)."

No meal in the company of women: Chândrâyaṇa for violating the rule.

Abstaining from food for seven days for eating women's Uchchhiṣṭa.

No sin for eating in the company of woman at the time of marriage.

Chândra, Kṛichchhra, etc. respectively for eating the Uchchhiṣṭa of men of the lowest caste.

Chândrâyaṇa, Sântapana, etc. respectively for eating the Uchchhiṣṭa of Chaṇḍâlas.

Repentance and meditative repetition of Drupada would do if at the time of distress.

738. Next, (there is this) which has been stated by BṚIHAT-ŚÂTÂTAPA: "Whatever is left in the (drinking) vessel after one has taken

draughts from it, (or) what has come out of the mouth, that should be considered to be unfit for being partaken of, and if one partakes of it he shall perform the Chândrâyaṇa (penance)," but that refers to the repetition of the act, the cause (occasioning it) being very trivial. 5

Chândrâyaṇa for drinking what is left in another's drinking vessel repeatedly.

(There is the following text of a Smṛiti), "And having swallowed the remnants of a draught of water at any time, a Brâhmaṇa shall observe the vow (of penance) for three (days and) nights, and also (the same for drinking) with the left hand," and this refers to (the case) where the (act is) committed 10 intentionally, and if (it is done) unintentionally, half of it should be prescribed. With regard to the residual (oil) of a lamp, that which has been laid down in the Ṣaṭtrimśanmata should be understood (to hold good): "The residual oil, which (is left) in a lamp, that which is brought on the way at the 15 (time of) night, and also that which is left after the body is besmeared with is partaken of, one is purified by (fasting during the day and partaking of his food at) night."

Three days' penance for drinking with the left hand intentionally and half of it if unintentionally.

Half a day's fast for drinking the residual oil.

739. Then (about) the penance for eating (the food which has 20 been) brought in contact with impure substances. With regard to that says SAṂVARTA: "Having eaten what is defiled by hair and insects, also that defiled by indigo and lac, and that which has had the contact of sinews, bones, or skin, (one) shall fast for one day." Thus 25 says ŚÂTÂTAPA, "For partaking of what is defiled by hair and insects, that which has had the contact of blood, flesh, or one whose touch is forbidden, that which is seen by one who causes abortion, that which is tasted by birds, that which is smelt by a dog, a pig, or a cow, sweet liquid food) that has turned sour, (food) prepared without (any 30 sacred) purpose, food (intended) for the gods, and (that got ready to be) Havis, (the penance) is fasting and drinking Pañchagavya." Both of these refer to (an act committed) unintentionally. But (for an act) intentionally (committed) that which has been laid down by VIṢṆU should be understood (to hold 35 good): "Having partaken of earth, water, flowers, etc., and fruits, tubers, sugar-cane, and roots —which have been defiled by ordure and urine—one shall observe a fourth part of a Kṛichchhra. And if (the contact is) more intimate if exactly one-half (of) Kṛichchhra is (performed) 40 it can bring about the purification." The decision is that where the contact is light a fourth part (of the penance should be performed), and if excessive, half a Kṛichchhra.

A day's fast for partaking of food defiled by hair, insects, etc.

Or fasting and Pañchagavya.

A quarter or half a Kṛichchhra for partaking of food defiled by urine, ordure, etc.

But (there is this) which has been stated by VYÂSA, "Having

eaten intentionally the food which is defiled by contact or (the food) tainted on account of the purpose (to which it is used), or that which is tainted by nature, one shall perform a Tapta Kṛichchhra." And this should be understood (to hold good) in the (case where) a taste of the impure matter that has had the contact can be traced.

Tapta Kṛichchhra where the taste of the defiling matter can be traced.

740. But where it is touched by a woman in her courses etc., (the penance) is (that) stated by ŚAṄKHA: "Having partaken of what is touched by impure matter, by a person who has suffered degradation (from caste), a Chaṇḍâla, a Pulkasa, a woman in her courses, an Avadhûta, a Kuṇi, a leper, and a man with bad nails, one shall perform a Kṛichchhra." A Kuṇi (is one) who has a defective hand. This refers to an intentional act, and (the penance is) half if (it is done) unintentionally.

Kṛichchhra for eating the food touched by a woman in her courses, an Avadhûta, etc. unintentionally.

That which is stated by VIṢṆU as (follows), "Having partaken of what is defiled by persons whose touch is prohibited, likewise by persons who are affected by impurity, and by hair and insects, one is purified by drinking (water) which has been boiled with Kuśa grass, glomerous fig (c) and Bilva (d) (leaves) etc., with the leaves of the bread fruit trees (e) and lotuses (f), and also Śaṅkhapuṣpî (g), Suvarcha, *etc.*," refers to the (case of persons) unable to perform harder penances, or to the case where (the food is) touched by dyers etc. But when (it is) defiled by a Śûdra or the like, that which has been stated by HÂRÎTA should be understood (to hold good): "(Having eaten) the food defiled by a Śûdra or by the insects that live in impure substances, or when a Śûdra touches when they are partaking of food, (or) if (a Śûdra, though) unfit (to do so), would, when they are eating in a row, approach and serve what is Uchchhiṣṭa or even sip water, (or) there where after reviling they serve food, the penance is (fasting for) one day and night."

Drinking of certain decoctions in the case of inability, the food too being touched by dyers etc.

One full day's fasting for partaking of what is defiled by a Śûdra.

741. The very same (is the penance) for eating in a line in which there is Uchchhiṣṭa (lying). For says the text of KRATU, "That twice-born man who would at any time eat in a line in which there is Uchchhiṣṭa (lying), is purified by fasting for one day and night and by (drinking) Pañchagavya." But where one eats with his left hand or

Fasting and Pañchagavya for eating in a line in which Uchchhiṣṭa is lying.

(c) *Udumbara:* Ficus Glomerata.
(d) Aegle Marmelos.
(e) Artocarpus Integrifolia.
(f) Nelumbium Speciosum.
(g) It is also called Kambupuṣpî.

from a platter ( ) from which he has once risen it should be understood (that the penance is) that laid down in the Ṣaṭtriṃśanmata thus: "He who eats when he has risen from the platter and he who eats from a platter from which he has once risen, shall perform a Sântapana (for thus) eating, and so says VAIVASVATA." Similarly has it been said by PARÂŚARA also in this (connection): "When Brâhmaṇas are eating together sitting in a line, if even one would leave his platter (the rest) shall not partake of the food that is left (on their respective plates). If any one in that row would partake of it out of ignorance, that Brâhmaṇa (is regarded to have) eaten Uchchhiṣṭa, and shall likewise perform a Sântapana Kṛichchhra"

Sântapana for eating from one's own refused platter.

Sântapana Kṛichchhra for eating further after one in the line has risen.

742. And where the water of a well etc. which has had the contact of a (corpse) or carcase and the like is drunk, VIṢṆU prescribes (the penance) thus: "From a well in which a dead carcase of a five-toed (animal) is found, or from (one which is) excessively defiled, if a Brâhmaṇa drinks water, he shall observe fast (for) three days, if a Kṣatriya (for) two days, if a Vaiśya (for) one day, and if a Śûdra (for) one night, and all (of them) when (the fasting is) over shall drink Pañchagavya." (The expression) "from (one which is) excessively defiled" is intended to convey the idea of its being defiled) by urine, fæces, or the like.

Fasting and Pañchagavya for drinking the water of a well which has had the contact of a corpse.

But when a dead body bursts there alone on account of the swollen condition, then (a) special (rule) has been laid down by HÂRÎTA: "When a dead body is soaked or burst (in it), if one drinks water (that is) standing in it, he shall, for the purpose of expiation, perfrom a Chândrâyaṇa or even a Tapta Kṛichchhra. If any Brâhmaṇa out of mistake takes his bath in it, he shall meditatively repeat (the Mantras), bathe at the three Savanas, and is (thus) purified in one day and night."

Chândrâyaṇa or Tapta Kṛichchhra if the body had burst in it.

Bathing at the three Savanas for bathing in it.

This Chândrâyaṇa (penance) refers to the case where the water contained in a well defiled by a human corpse is drunk. But if (the same is) unintentionally (done then the penance is one of) six days. For says the text of DEVALA: "If a dead body soaked or even burst is observed in a well, one shall drink milk for three (days and) nights, and if (that dead body is) of man, it is declared (that the penance is) twice."

Six days' penance if drinking such a water is unintentional.

743. When one drinks water contained in a well etc. belonging to a Chaṇḍâla, (the penance) laid down by ÂPASTAMBA should be understood (to hold good): "If a man intentionally drinks water (which is) contained in a well or vessel of a Chaṇḍâla, how should the penance

Sântapana, Prâjâpatya, half a Prâjâpatya, and a quarter of a Prâjâpatya in the order of Varnas for drinking water from a Chaṇḍâla's well.

(h) The other reading equally good is *Nirmuktânnabhojane*, eating the food which he has once refused on the plate.

be prescribed in that case with reference to each Varṇa? (If) a Brâhmaṇa (he) shall perform a Sântapana; (if) a Kṣatriya (he shall perform) a Prâjâpatya; (if) a Vaiśya (he shall perform) half of it; and in (the case of a Śûdra) a quarter of it should be prescribed." But this (refers) to (a case where the) act (is committed) intentionally, and on the 5 other hand, if (it is) unintentional, (the penance) laid down by DEVALA thus should be taken (to hold good): "If one would drink by mistake the water contained in a well or vessel belonging to a Chaṇḍâla he is purified by (fasting for) three days, and if (he is) 10 a Śûdra by (fasting for) one day."

Three days' and one day's fasting if the above is unintentional.

Even in the case of small tanks belonging to Chaṇḍâlas and so on, the purification (is) as (in the case of a) well (belonging to them). For says the text of VIṢṆU thus: "Then (in the case of drinking water from the) water-tanks 15 (that are of) small (dimensions), (where the water is) stagnant and standing on the earth, the purification is described as in the case of a well; but if they are of great size, there is no taint." In the case of lakes etc., on the other hand, (the penance) that has been stated by ÂPASTAMBA should be taken (to hold good): "For having drunk water of a lake or even a pool 20 belonging to the Mlechchhas etc. (the penance is thus): (The water) should be understood (to be) pure if knee-deep, and if less than that (it is) declared to be impure. A Brâhmaṇa who drinks that water intentionally or unintentionally (becomes tainted with sin), and 25 if (he drinks) unintentionally, he (shall fast during the day and) partake of his meal at night, but if intentionally he shall fast (for) one day and night."

Penances same with reference to small tanks as wells.

Water pure if knee-deep and impure if less.

Fasting during the day-time of one day if a Brâhmaṇa drinks it unintentionally, and one full day, if intentionally.

744. But if (he drinks) the water contained in a vessel belonging to a dyer or the like, (the penance) laid down thus 30 by PARÂŚARA should be understood (to hold good): "If a Brâhmaṇa, a Kṣatriya, a Vaiśya, or even a Śûdra, out of mistake, would drink water, curds, or milk contained in the vessels (belonging) to persons of the lowest castes, the expiation for men of the twice-born classes is by Brahmakûrcha and 35 fasting, and for a Śûdra by fasting and making gifts according to his ability." But if (the act is) intentional (the penance should be) double. That (which has) been laid down by ÂPASTAMBA thus, "Having bathed or drunk water in the wells, tanks, or wells dug by persons born of the 40 lowest caste, one is purified by (performing) a Prâjâpatya," should be understood (to hold good) in the case of repetition. The sheer partaking of Pañchagavya which is thus laid down (as necessary) by ÂPASTAMBA in the

Brahmakûrcha and fasting for drinking water, curds or milk contained in the vessels of outcasts.

Double penance for an intentional offence.

Prâjâpatya in case of repetition.

case where water from tanks, wells, etc. belonging to the Chaṇḍâlas is drunk refers to the case of those that are unable (to perform harder penances): "(In a shed) where water is distributed to wayfarers in the forest, from a vessel which was once used to contain Surâ, and from a water-trough when one drinks water, or (when he drinks) water coming out of a bag, or when he drinks water in vessels (?) belonging to Śvapachas or Chaṇḍâlas, he is purified by drinking Pañchagavya." And "He who, having entered a shed where water is distributed, does sprinkle his person without (drinking ?) water, shall spend one day in fasting and bathe along with his clothes. Having drunk the water contained in a vessel (used) for (holding) Surâ or that of a shed where water is distributed, and likewise (having drunk of) water (which he is) crossing by a boat, one is purified by fasting for one day and night and by (drinking) Pañchagavya."

Sheer Pañchagavya in case of inability.

One day's fast and Pañchagavya for drinking water when crossing in a boat.

745. Then (about) the penance for eating what is bad in appearance. Whatever on account of its colour or shape presents an odd aspect and produces an impression of disagreeable filth etc. of the body, or (rouses) the suspicion of poison etc. sent by the enemy, is called bad in appearance. And with regard to that (says) PARÂŚARA thus: "Having eaten the food that is bad (because) of the words (spoken in connection with it) or bad in appearance (itself), (or) on a platter (which is also) bad in appearance, a Brâhmaṇa is purified by (fasting for) three days subsequently." This (penance) refers to an act committed intentionally. But after mentioning of "(That which is) bad in appearance sheerly" (II. viii. 12) etc. prior to (the mentioning of) the five-toed animals (II. viii. 26), that penance which, by GAUTAMA, has been laid down as, "(For eating) what is mentioned prior to the five-toed animals (the penance is) vomiting (it out) and drinking ghee" (III. v. 26), refers to the case (where the act is) committed unintentionally.

Three days' fast for eating what is disagreeable in appearance intentionally.

Vomiting and drinking ghee if unintentional.

746. But where a suspicion has arisen (whether the food was fit to be eaten or not) (the penance) laid down by VASISTHA should be taken (to hold good): "I will declare the purification (prescribed) for (eating) food, regarding which doubts have arisen whether it may be called fit to be eaten or not. Listen to what I say about it (XXVII. 10). A Brâhmaṇa shall drink for three (days and) nights the astringent (decoction of) Brâhmî and Suvarchalâ unmixed with pungent things or salts, or Śaṅkhapuṣpî (boiled) with milk (XXVII. 11). He shall drink water (in which are boiled) Palâśa and Bilva leaves, Kuśa grass, and the leaves of lotuses and Udumbara trees, and is (thus) purified in three (days

Partaking of certain decoctions for three days in case of doubt regarding the food eaten.

and) nights" (XXVII. 12). By MANU also has the following been said where there is a doubt with regard to the fitness of the food (that has been) eaten: "The best of the twice-born (h) shall for one year perform Krichchhra for purification from having eaten a thing (the fitness of which for being eaten is) not known, and if it is known (to be unfit) (then the penance shall be) more." (V. 21).

MANU prescribes one year's Krichchhra for having eaten a thing of doubtful fitness.

747. Then (about) the penance for eating what is tainted with (reference to) time. What is tainted with (reference to) time is stale food, the milk of a cow (the calf of which is) not yet ten days (old), and so on. And even there (with regard to the act committed) unintentionally, (the penance) should be understood (to be that) laid down by MANU as, "And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20). But if (it is eaten) intentionally, (the penance) laid down by ŚAṄKHA should be understood (to hold good): "Having eaten that which, being unmixed, has turned sour, what has become stale likewise, and what is fried and boiled, one shall observe fast for (three days) and nights." Unmixed (means) not being mixed with oily substances. The penance with regard to the (drinking of) milk of a cow (the calf of which is) not yet ten days (old) has already been pointed out.

One day's fast for eating what is tainted with reference to time unintentionally.

Three days' fast if intentional.

748. And for drinking water that has just arrived (i) (the penance is) drinking of Pañchagavya. For says the text of BṚIHAD-YÂJÑAVALKYA, "Having drunk (water) from vessels made of horn, bone, and tusk, and in conches, oyster shells, and Kapardaka shells, and also (for drinking) water that has just arrived (i), one is purified by (drinking) Pañchagavya." But if (it is drunk) intentionally, fasting should be observed. For it is stated in another Smṛiti, "In (the rainy) weather, water that just descends (from the clouds) is pure, but that should not be drunk, indeed, for three days. But if out of season, (it is not fit to be drunk) for ten days, and having drunk it, one shall abstain from food for one day and night."

Pañchagavya for drinking unintentionally water just arrived.

Rain water is fit to be drunk after three days in the rainy season and after ten days if out of that season.

749. But when one partakes of food at the time of an eclipse, (one should perform) a Châdrâyaṇa (penance). For says the text of ŚÂTÂTAPA: "For having eaten at the Nava-Śrâddhas, the food of a village priest, and when an eclipse lasts, and the food given by women who

Chândrâyaṇa for eating during an eclipse, at a Nava-Śrâddha, the food of a village priest, etc.

(h) KULLÛKA argues that this must mean the three twice-born classes.

(i) The original has *navodaka*, literally, new water. It may mean the water that has just descended from the clouds or the water of a river which is in flood for the first time in the year as censure is attached to both. For want of a suitable expression, it is translated here 'as water that has just arrived.'

have conceived for the first time, one shall perform a Chândrâyaṇa (penance)." But when one eats at a time, which, though being other than the (time of) an eclipse, is prohibited, MÂRKAṆḌEYA says thus (with reference to) that time: "On that day on which, O BHÂRGAVA, an eclipse whether of the moon or of the sun takes place, and also (at 5 the time) prior (to it) no act of partaking of food shall be done; and also when likewise (the planet in the) eclipsed (condition) sets, no meal shall be partaken of so long as it does not rise again." Similarly (there is this text): "And when an eclipse 10 of the moon takes place later than the first watch (of the night), one shall partake of the meal before the (preceding) crossing of the meridian (by the sun); and if (it takes place) during the first watch (of the night, then one might partake of the meal) before the first watch 15 (of the preceding day is over)." Similarly (there is this text): "(If a solar eclipse takes place) during the Aparâhṇa ('the fourth division of the day') one shall not partake of a meal during the Madhyâhna ('the third division of the day'), and (if it takes place) during the Madhyâhna (*j*) (then one shall not partake of the meal) 20 during the Saṅgava ('the second division of the day'); but if it takes place during the Saṅgava, then there is no (such thing as) partaking of a meal (at any time) previous to it (that day)" (*k*). 25

No meal during that day on which the sun is eclipsed or the moon rises eclipsed.

No meal till the rising again of the planet which sets eclipsed.

In a lunar eclipse three intervening watches between the watch of the eclipse and that of the meal.

One intervening watch between the watch of a solar eclipse and that of meal in the case of children, old men, and sick persons.

(*j*) N. and G., which apparently follows N., and also S. adopt the reading 'Sâyâhna' ('the fifth division of the day') here. But the reading 'Madhyâhna' which S. notices as occurring in a Ms. which it says is almost reliable as correct seems to be better. That is the very reading adopted by MÂDHVÂCHÂRYA also.

(*k*) The following passage occurring in the *Mâdhavîya* of PARÂSARA Smṛiti might be noticed here: "Thus says MANU: 'During a lunar or solar eclipse, one shall not partake of a meal, and he might eat after bathing when (they are) free from eclipse; but when they set without being freed (from their eclipsed condition), he shall observe them (rise free from the eclipsed condition) the next day, bathe, (and then partake of the meal).' 'During an eclipse' (means) during the period of the eclipse. The period of the eclipse begins with the time of the first contact and lasts till the time of the last contact. During that period one shall not partake of a meal, but when the sun and the moon are liberated from the shadow, he should then bathe and partake of his meal. But when they set in an eclipsed condition, then one should on the next day observe them (which will have been) liberated (in the meantime), and partake of his meal.

That one should not partake of his meal is not only during the period of an eclipse but also at (some time) previous to it. Thus says VYÂSA: "One shall not partake of his meal during the (portion of the) day preceding the solar eclipse, and during the evening preceding the lunar eclipse. Also one shall not eat during the period of the eclipse and he might eat after bathing when (the planets are) liberated (from the shadow).

750. (There is this) which is laid down by MANU (in the texts), "One shall not partake of a meal at the time of Sandhi" (V. 55), and "Not when the sun has just risen nor when the sun has just set *etc.*" (V. 62); and also

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When the moon is liberated (from the shadow) one might eat if (the time is) not the dead of night. And then when they set without being liberated (from the shadow), (he might eat) after seeing them (rise) the next day."

With regard to the prohibition of partaking the meal at a time prior (to the eclipse), VṚIDDHA-VASIṢṬHA lays down (a) special (rule): "And when an eclipse of the moon takes place later than the first watch (of the night), one shall partake of the meal before the (preceding) crossing of the meridian (by the sun); and if at the last watch of the night, (he might eat) before the first watch (of the night). But if (it is an eclipse) of the sun (occurring) subsequent to the sun's crossing of the meridian, (one shall partake of his meal) certainly prior to the midnight (preceding). But if it is during the fourth watch (of the day), then (it is also) prior to the (corresponding) fourth watch." If at the night, later than, (that is) subsequent to, the first watch, an eclipse takes place, then one might partake of the meal prior to the (sun's) crossing of the meridian, (that is,) noon. (But) if (it occurs) at the last quarter of the night, one might partake of his meal prior to the first watch of the night. If during the fourth watch of the day a solar eclipse takes place, one might eat his meal before the fourth watch of the (preceding) night. That is the idea. Midnight (means) the middle of the night. If after the noon a solar eclipse (takes place), then one might eat prior to the midnight itself. That is the idea. The idea is it is expected that in (the case of) a lunar eclipse, there should be an interval of three watches (between the watch during which the eclipse occurs and that during which one might take his meal), while in the case of a solar eclipse, (an interval of) four watches. Just so has VṚIDDHA-GAUTAMA: "When there is a solar eclipse, one shall not partake of his meal during the four watches (preceding the watch of the eclipse), while in (the case of) a lunar eclipse, (during) three watches, excepting (the case of) children, old men, and sick persons."

Referring to the (case of) children, old men, and sick persons, (there is this) in MATSYA-PURÂṆA: "If the eclipse takes place during the Aparâhṇa, (then) a meal shall not be partaken of during Madhyâhna; If during Madhyâhna, (then) not during Saṅgava; and if during Saṅgava, then not previously (to the eclipse that day)."

And (in the case) of him who is able (to endure hunger), a penance has been prescribed by KÂTYÂYANA if he would partake of a meal (still): "One is purified (from the sin of) having partaken of a meal during a lunar or a solar eclipse by (performing) a Prâjâpatya; but if he eats during that very day (at the prohibited hours) then he is purified by (fasting) alone for three (days and) nights."

And VṚIDDHA-VASIṢṬHA lays down an exception to the (interval of) three watches in (the case of) a lunar eclipse thus: "When the moon rises eclipsed, then no meal shall be partaken of during the preceding day." But when the (planet) sets eclipsed, BHṚIGU lays down (a) special (rule) thus: "If the sun and the moon set when the condition of eclipse is lasting (still), a man shall, when they rise the next day, bathe and partake of his meal." VṚIDDHA-GÂRGYA also has thus: "If at the time of twilight the shadow covers the moon or sun, then during that day and also that night, there is not at all partaking of a meal on any account."

[*N. B.*—This refers to the case when the sun is eclipsed when about to set and sets in the eclipsed condition, and also when the moon is eclipsed when about to set in the morning and sets in the eclipsed condition. In the former case, there is no partaking of a meal for that day and the night, and in the latter for that night and the day].

(there is this) which is laid down by BṚIHAT-ŚÂTÂTAPA: "He who desires to get splendour should avoid parched grains, curds, and meal of the fried barley as well at nights, and a wise man should likewise (avoid at nights) even partaking of things containing sesamum and bathing also." With regard to this and the like (transgressions) the penances for which are not prescribed, 5 it should be understood (that the penance is) one hundred Prâṇâyâmas laid down thus by the lord of Yogins: "One hundred Prâṇâyamas shall be performed for being freed from all sins, and (also) from that (sin occurring in the

One hundred Prâṇâyâmas in case of each of these several sins.

Also in the VIṢṆU-Dharmottara (there is this): "When (there is) an eclipse of the moon or the sun, one shall not partake of a meal for a day and night. But he should see them liberated (from the shadow), and then bathe, and eat."

Well if it is urged that, if the clouds etc. cover the sun, then no observation of the eye is possible, (the answer is, it is not so), for by the word 'Darśana' ('observation') (employed in this matter) is intended to convey the idea of observation through the Śâstras. The same is observed by VṚIDDHA-GAUTAMA, "When (there is) an eclipse of the moon or the sun, one shall not partake of a meal, nor during the preceding day at (prohibited portions), but he must *see through the Śâstras* that they have been liberated (from the shadow), bathe, and (then) partake of the meal."

(Another objection). If this were so, that the Śâstraic observation (of their being liberated from the shadow) is possible even before their rising the next day, and even in the case of their setting eclipsed, partaking of a meal might come in (much earlier).

(Answer). That is not so, for that (idea) cannot come in on account of (the existence of the two express texts, "A man shall, when they rise the next day, bathe and partake of his meal" and "One shall not partake of a meal for a day and night."

And (there is this) which (is found) in the SKANDA-Purâṇa, "When an eclipse of the moon, Sir, occurs later than midnight, one shall partake of his meal, Sir, during the forenoon, and not in the afternoon anyhow. But when prior to the midnight an eclipse of the moon takes place, then, O Rider of the Peacock, no meal shall be partaken of during the day." Even that is intended to give an idea of the (interval of) three watches. For it has been stated by VṚIDDHA-GAUTAMA by particularizing it as, "While in (the case of) a lunar eclipse, (during) three watches *etc*"

He who desires to have his sins vanquished should fast during the day on which an eclipse takes place. It has been said (so) by DAKṢA: "On the day of the sun's passage from north to south and south to north, and likewise on the days when the sun crosses the equator, one who fasts during the day and night and (then) bathes is freed from all sins." But he who has children shall not fast (on those days). Thus says NÂRADA: "On the days of the sun's passage from one sign of zodiac to another, and on the day of Ekâdaśî during the dark half of a lunar month, and also on the days of lunar and solar eclipses, he who has children (and is) a householder shall not fast." But when the planet sets eclipsed, even he who has children shall certainly fast, for the partaking of a meal is prohibited by (the text), "One shall not partake of a meal for a day and night."

Also in some cases according to the peculiarity of the eclipses, even bathing and the like need not be performed. It is thus said in the Ṣaṭtriṃśanmata: "When the eclipse of the sun takes place at the night time, and likewise an eclipse of the moon at daytime, no bathing need be done in those cases, and no gift should be made in any case." And this should be understood (to hold good) in cases where the phase and the last contact, things to be determined with reference to the particular parts of the earth, cannot be observed.

midst) of the group of minor sins for which (a separate penance) has not been prescribed" (III. 305). And if they are committed unintentionally, then the fasting (penance) prescribed by MANU thus should be understood (to hold good): "And for (having eaten) other (forbidden things) one shall observe fast for one day" (V. 20).

One day's fasting if intentional.

751. Next (about) the penance for partaking of sour food etc. which are bad on account of (their) quality. MANU says with regard to such (things) thus: "For having partaken of (sweet) liquid (foods that have turned) sour, (liquids) that are astringent, and also (liquids) that are impure, a twice-born (person) remains impure so long as that is not excreted out" (XI. 153). With regard to this matter, if the act is done unintentionally, it should be observed that the fasting laid down by (the text), "And for (having eaten) other (forbidden things) one shall observe fast for one day," (holds good). But if (it is committed) intentionally, what has been laid down thus by ŚAṄKHA should be noticed (to hold good): "Having eaten that which, being unmixed, has turned sour, what has become stale likewise, and what is fried and boiled, one shall observe fast for (three days) and nights."

One day's fast for partaking of sour things.

Three days' fast if the act is intentional.

And this should be observed (to hold good in the case) of articles other than jellies etc. containing Âmalaka (l) and the like fruits. For says the text of a Smṛiti, "In whatever houses a pitcher containing (preserved) fruits is kept, the jelly might be taken from such, and not (any jelly of) other (sort)."

Fruit jellies turned sour not prohibited.

752. With regard to the articles from which all the oily matter has been extracted and so on, the penance which, after stating, "The dregs remaining after all the oil has been taken away, oil-cakes, articles from which the essence has been churned out etc., things from which the essence has been removed shall not be partaken of," is stated thus by GAUTAMA, "(For eating) whatever is mentioned prior to the five-toed animals (the penance is) vomiting (it out) and drinking ghee" (III. v. 26), should be taken (to hold good). Dregs (means) the sediment of ghee etc.

Vomiting and partaking of ghee for swallowing dregs of oily substances etc.

753. LIKHITA lays down the penance thus for eating the food of one who does not make offerings in the fire etc.: "The food of those twice-born persons (portions of) which are not offered in the fire and which will not be offered (to the person concerned) before (m) (they eat) shall not be partaken of, and if (any one) eats it,

One day's fasting for partaking of what is not offered into the fire or offered to one before the master partakes of it.

(l) Gooseberry.

(m) Another reading is *anna*, food.

he shall fast for one day. A twice-born (man) who is an Âhitâgni, if he eats the preparation of rice and beans, soft cakes, milk-rice, puddings, and cakes boiled in oily matter, (all) prepared without a sacred purpose, he shall perform a Prâjâpatya." But (in the case) of one (who eats it and is) not an Ahitâgni, it should be understood that the fasting prescribed as, "And for (having eaten) other (forbidden things) one shall observe fast for one day (and night)," should be taken (to hold good).

Prâjâpatya where an Âhitâgni eats a preparation of rice, and beans, milk-rice, etc. prepared without a sacred purpose.

One day's fasting if he is not an Âhitâgni.

754. But when one eats from platters (made of) diverse (leaves) and so on, the following (rule of penance) is laid down by SAMVARTA: "Having partaken of food from plates (belonging) to the Śûdras, or having eaten from a platter (of) diverse (leaves), one is purified by fasting for one day and night and by partaking of Pañchagavya." Similarly, (it has been said) even in another Smṛiti: "From platters (made) of Vata (*mm*), Arka (*n*) and banyan (*o*) leaves, and from platters of Kumbhî and Tinduka, and from the platters of Kovidâra and Kadamba leaves, if one eats, he shall perform a Chândrâyaṇa (penance)." Similarly (there is this): "Having eaten from the platter made of Palâśa and lotus leaves, a householder shall perform an Aindava (penance). And if (he is) an anchorite or an ascetic, he obtains the merit of a Chândrika (penance)."

One day's fasting and Pañchagavya for using a Śûdra's plate or a platter of diverse leaves.

Chândrâyaṇa for using the platters of Vata, Arka, banian, etc, leaves.

Palâśa and lotus leaves prohibited for a householder and recommended specially to a hermit or ascetic.

755. Now the penance for eating the food (*p*) defiled by such actions as serving by the hand etc., PARÂŚARA says on the point: "And having partaken of honey, treacle, vegetables, milk and its productions, salt, and ghee offered by the hand one shall abstain from food for one day." But if (it is done) intentionally, that which has been laid down thus by HÂRÎTA should be understood (to hold good): "For having partaken of what is offered by the hand, for eating by the side of one who is not a Brâhmaṇa, for having eaten in a line (which is) defiled (by an undesirable person), for having eaten in front of a row, for having discharged urine and fæces having anointed the body, for having eaten the food of those affected by death-impurity or by birth-impurity or (the food) of Śûdras, and for having slept in company with Śûdras, (the penance is) fasting for three (days and) nights."

One day's fast for partaking of honey, treacle, etc. served by the hand.

Three days' fasting if the act is intentional.

(*mm*) Ficus Indica.

(*n*) Calotropis Gigantea

(*o*) Ficus Religiosa.

(p) S has *âjya*, ghee.

756. And in (the case of one) defiled by being given the food by (one who is) another's agent, it should be understood (that the penance is) what has been stated by VṚIDDHA-YAJÑAVALKYA thus: "When a Śûdra who distributes the food of a Brâhmaṇa (or) a Brâhmaṇa who distributes the food of a Śûdra, both of such (food) become unfit for being eaten, but if (any one) eats (such food), he shall fast for one day."

One day's fasting for the food given by a Brâhmaṇa's Śûdra agent and *vice versâ.*

But when one eats (the food served) by the hand of a Śûdra, (the penance) laid down by KRATU should be understood (to hold good): "He who eats from the hand of a Śûdra, or even drinks water in any case, shall fast for one day and night, and is purified by drinking Pañchagavya."

Fasting for one day and night and Pañchagavya for eating from the hands of a Śûdra.

757. Also with regard to that (food) defiled by blowing (over) it, it has been said by that very (authority): "He who (eats) resting his foot on a seat, or having covered himself with a portion of his (lower) raiment, or when he eats the (food) blown (over) by the mouth, one shall perform a Sântapana Kṛichchhra."

Sântapana Kṛichchhra for partaking of what is defiled by breath.

758. But when one eats the food presented in honour of the (dead) parent or the like, (the penance) laid down by BHÂRADVÂJA should be understood (to hold good): "If one would partake of dinner at a Pârvaṇa Srâddha, (then) he shall perform six Prâṇâyâmas. It is declared (that one day's) fasting (is necessary for having dined at a Śrâddha taking place) between the (ending of) three months and the (closing of the) year (after the demise of the deceased). If he dines at a Vṛiddhhi-Śrâddha, then he shall perform three Prâṇâyâmas, and (fast) for one day and night if (he dines) at a Sapiṇḍîkaraṇa Śrâddha. If (he eats from a person of) dissimilar (nature) (he shall fast during the day and) eat at night, and likewise (is it) in breaking fast after a vow (of fasting). Twice this (should be observed) if (he eats the food) of a Kṣatriya, and thrice if (he eats the food) of a Vaiśya. And this is declared to be four times for having eaten directly, indeed, (the food) of a Śûdra. When a chance-guest waits at the door, if any (persons of the) twice-born (classes) who would drink water, that water proves blood (in effect); but if they would partake of a meal (they) shall perform the Châncrâyaṇa (penance)."

Six Prâṇâyâmas for eating at a Pârvaṇa Śrâddha; and similar penances.

Three Prâṇâyámas for dining at a Vṛiddhhi-Srâddha.

Twice the above for eating from a Ksatriya, and thrice from a Vaiśya.

Chândrâyaṇa for eating while a guest waits at the door.

HÂRÎTA also says thus: "But if he dines (at a Śrâddha performed) on the eleventh day (of death), and likewise having partaken of the food given on the day of gathering the (cremated man's) bones, he shall fast (for one day), bathe in the manner prescribed (in the Śâstras),

Fasting and Homa for dining on the eleventh day Śrâddha and at the Srâddha of the bone-gathering day.

and make offerings of ghee (into the Fire) with the Kuṣmâṇḍa (Mantras)." VIṢṆU too has thus: "(If he eats) at a Nava-Śrâddha he shall perform a Prâjâpatya; if (at the Śrâddha performed) at the (end of the) first month three-fourths (of a Prâjâpatya); if (at the Śrâddha performed) at the (end of the) three half months half (of the Prâjâpatya); and if (at the Śrâddha performed) at the (end of) two months, he shall drink Pañchagavya." But this refers to (the case of) distress. And if (it is done at times) other than (the time of) distress, the following (course) laid down by HÂRÎTA should be observed to hold good: "Chândrâyaṇa (is the penance for dining) at a Nava-Śrâddha, while at a Miśraka a Prâjâpatya (is prescribed). But in the Purâṇas a penance (*q*) (lasting) for one day is prescribed.' This (namely), "while at a Miśraka a Prâjâpatya (is prescribed)," should be taken to (refer) to (that of) the first month. But (in the case of the Śrâddhas performed) at the end of two etc. months, that which stated in the Ṣaṭtriṁśanmata thus should be taken (to hold good): "A Prâjâpatya (is the penance for dining) at a Nava-Śrâddha, three-fourths (of it) at the first month (Śrâddha), half (of it) (at a Śrâddha performed) at the (end of) three half months, and a quarter (of it) likewise at a Śrâddha (performed) at the (end of) two months. It is held that three-fourths of a Krichchhra (is the penance for dining at a Śrâddha performed) at the end of six months, and likewise at the Śrâddha (performed) at the (end of the) (first) year. Three days (form the period of) vow (for dining at the Śrâddhas performed) at (the end of other) months, and it is declared to be a day if (it is a) daily (Śrâddha).

Prâjâpatya for eating at a Nava-Śrâddha.

Three-fourths and half of it for the first month and month and a half's Śrâddha.

Penances for dining, when not in distress, at various Śrâddhas.

Prâjâpatya for a Miśraka.

Krichchhra, three-fourths of it, and half of it for dining at the Śrâddhas performed at the end of three, six, and twelve months.

759. For having dined at a Śrâddha, performed in honour of a Kṣatriya etc., when he is not in distress, (a) special (penance) has been laid down there alone: "A Chândrâyaṇa (is the penance for having dined) at a Nava-Śrâddha, and it is declared a Parâka (for having dined) at the month(-end) Śrâddha. A Sântapana (is the penance for having dined) at the (Śrâddha performed at the end of) three half months, and it is declared (to be) a Krichchhra (for having dined at a Śrâddha performed) at the end of two months. This is declared to be the penance (for having dined) at a Nava-Śrâddha (performed in honour) of a Kṣatriya, and it is declared by the wise that if (the Śrâddha is that performed in honour) of a Vaiśya (the penance is) half as

Chândrâyaṇa for dining at a Nava-Śrâddha performed in honour of a Kṣatriya, and similar penances for dining at other Śrâddhas.

(*q*) Another reading is *prâjâpatyam*.

Increased penance for dining at a Srâddha performed in honour of a Vaiśya.

much again as that for (a Śrâddha performed in honour of) a Kṣatriya. And (for having dined) at a Nava-Śrâddha (performed in honour) of a Śûdra, a double Châudrâyaṇa should be performed; if at the (Śrâddha performed at the end of one) month, one and a half times a Chândrâyaṇa (is the penance), and if at the (Śrâddha performed at the end of) three half months, it is declared an Aindava (is the penance). A Parâka is (the penance for dining) at the (Śrâddha performed at the end of) two months, and if (at Śrâddhas) subsequent (to it) a Sântapana is described (to be the penance)."

Chândrâyaṇa etc. for dining at the Nava-Srâddha etc. performed in honour of one died of a snake-bite, thief, etc.

Next, (there is) the text of ŚAṄKHA which (says) thus, "A Chândrâyaṇa is the penance (for dining) at a Nava-Śrâddha and it is declared a Parâka (for dining at a Śrâddha performed) at the (end of one) month. (For dining at a Śrâddha performed) at the (end of three) half months, an Atikṛichchhra is (the penance), and (for dining at the Śrâddha performed) at the (end of) six months, (it is) a sheer Kṛichchhra. (For dining at a Śrâddha performed) at the (end of the) year a fourth (part of a) Kṛichchhra is (the penance), and fasting for one day (for dining at a Śrâddha performed) at the (end of the) next year. And (for dining at Śrâddhas performed) thereafter there is no sin, and thus (runs) the statement of ŚAṄKHA"; and that refers to the case of (the Śrâddhas performed in honour of) those killed by snake(-bite) etc., or refers to the case of (the Śrâddhas performed in honour of) those whose company is prohibited at dinner, and who are (pointed out) in, "(Those) who are thieves, those who have suffered degradation (from caste), impotent (persons) *etc.*" (MANU III. 150). (For it is laid down thus): "(It is) to those who have committed sin that death occurs at the hands of the Châṇḍâlas, by (means of) water, a serpent, a Brâhmaṇa, even lightning, fanged (animals), and by beasts; through fall, fasting (till death) also, poison, and by strangling ropes likewise. For having dined in (any of the) sixteen Śrâddhas (performed in honour) of them, a Brâhmaṇa shall perform an Aindava penance." Similarly (there is this): "Whatever Śrâddha will be offered (in honour) of those whose company had been prohibited at dinner, on the eleventh day (of their death), if a Brâhmaṇa would partake of food there, he shall perform a Śiśu-Chândrâyaṇa." For a harder penance has been laid down by BHÂRADVÂJA thus: "Having accepted articles of food likewise at a Śrâddha wherein raw articles will be presented, one is purified by a Tapta Kṛichchhra. And likewise for having accepted food at a Saṅkalpa Śrâddha, three days should be spent (in fasting)."

It is to the sinful that death occurs at the hands of Chaṇḍâlas etc.

Tapta Kṛichchhra for having accepted food articles at a Srâddha.

760. But (in the case) of Brahmachârins (who) dine at Śrâddhas, (a) special (rule) has been mentioned by BṚIHAD-YAMA thus: "If a Brâhmaṇa whose Brahmacharya vow is not yet complete, and who dines at the monthly Śrâddhas etc., a penance of three days' fasting is prescribed (in) his (case). He is purified by (further) performing three Prâṇâyâmas and by drinking ghee." This refers to the case (where the act is committed) unintentionally. He himself says with reference (to the act) committed intentionally too: "He who partakes of liquor and flesh at a Śrâddha, or (dines at a Śrâddha performed when one is) affected even by impurity, shall perform a Prâjâpatya Kṛichchhra, and finish the remaining portion of his (Brahmacharya) vow." But if (it is) a Śrâddha wherein raw articles are presented (the penance is) half of it in all cases. For it is stated in the Ṣaṭtriṃśanmata: "For (having accepted gifts at) a Śrâddha wherein raw articles are presented, (the penance is) half of that Prâjâpatya at all times."

Brahmachârins shall fast for three days for dining at a monthly Śrâddha.

Prâjâpatya Kṛichchhra for partaking of flesh and liquor at a Śrâddha.

Half a Prâjâpatya for accepting raw things.

Next (there is the text) which has been stated by UŚANAS: "Ten times shall a Brâhmaṇa, who has dined at a Śrâddha, drink water to the recital of the Gâyatrî, and then perform the Sandhyâ, and is thereafter purified." That refers to (the case of) a Śrâddha for (dining at) which no particular penance has been laid down.

Drinking water to the recital of Gâyatrî ten times is the penance where one is not specified.

761. But a special rule has been pointed out by VYÂSA for dining at a Śrâddha which forms part of a Saṃskâra ('purificatory ceremony'): "When the Homas of the ceremony of tonsure have taken place, and likewise when it is prior to the naming ceremony, if one dines (at a Nândî Śrâddha) and also at that in connection with the Jâtakarman ('natal ceremony'), he shall perform a Sântapana. And a Brâhmaṇa who being requested to represent particular entities dines at (Śrâddhas performed in connection with) purificatory ceremonies other than these is by fasting purified from the (effects of) prohibited food."

Sântapana for dining at Nândî Śrâddhas.

But with reference to Sîmantonnayana ('parting of the braids') etc., DHAUMYA points out (a) special (rule): "(Having partaken of food offered in a ritualistic manner) (in connection with) Brahmaudana, Soma (sacrifice), and likewise Sîmantonnayana, and at the Śrâddha (performed) in connection with Jâtakarman, or at a Nava-Śrâddha, a Brâhmaṇa shall perform a Chândrâyaṇa." Here the rite called Brahmaudana (r) is an auxiliary to the rite of Âdhâna as it occurs in contiguous relation with Soma.

Chândrâyaṇa for partaking of food in connection with Brahmaudana etc.

(r) Brahmaudana is a Srauta rite, and has two phases: Brahmaudana-nirvâpa or the ritualistic placing of unhusked rice on the hide of a red ox and Brahmaudana-prâśana or the partaking of Brahmaudana. The unhusked rice that is so placed is, with due

762. Then (commences) the (topic on) penance for eating what is forbidden (to do so) because of Parigraha ('property'). That which, though not prohibited in its nature, is described as unedible on account of the particular (nature of the) person who owns it, is (denominated as) impure on account of Parigraha. With regard to it, beginning with "[These things] not offered (shall not be used), and the food (given) by one who keeps no Sacred Fires shall not be partaken of when not in distress" (I. 160), the food that is not fit to be eaten has been established by the lord of Yogins. The very same with slight additions have been established by MANU also thus: "At a sacrifice started by one who is not a Śrotriya, and likewise at that offered by one who officiates (as a Ṛitvik) in a number (of sacrifices), and at that offered by a woman or an impotent (person), a Brâhmaṇa shall never partake of food (IV. 205). At no time shall the food (given) by an intoxicated (person), a wrathful (person), and one who is disease-stricken be partaken of (IV. 207), and (also) the food belonging to Gaṇas, the food of a prostitute, and that which is held in disgust by the learned (IV. 209). The food of a thief and of a songster, of a carpenter, of one who lives by interest, of one who has taken Dikṣâ (for a sacrifice), of a miser, of one who is bound down (by law), and of one who is in chains (shall not be eaten) (IV. 210). (The food) of one who is accused of a crime, of one who is impotent, of a profligate woman, of one who pretends (to perform religious duties) (IV. 211), of one who lives by treatment (of others' diseases), of a butcher (who keeps a flesh-shop), of a cruel (man), and of one who eats the Uchchhiṣṭa (of others) (shall not be partaken of) (IV. 212). The food of a person (who does) ferocious (deeds), the food of those affected by birth-impurity, the food of one given by another, (the milk of a cow whose calf is) not yet ten days old (IV. 212), (the food offered) without respect, flesh (got ready) without any (sacred) purpose, and also (the food) of a woman who has neither husband nor children, the food of the enemies, the food of a city(-governor), the food of one who has suffered degradation (from caste), the food over which one sneezes (IV. 213), (the food) of a tale-bearer, and of a liar also, and likewise of him who sells (the merit of) a sacrifice, the food of an actor and a weaver, and also the food of an ungrateful (person) (IV. 214), (the food) of a smith, of a Niṣâda, and of one who performs feats of a gladiator, of a goldsmith, of

Food not offered, owned by one who keeps no Sacred Fires, at a sacrifice no food shall, offered by woman or an impotent person, etc. be eaten.

Food of a drunkard or a wrathful man prohibited.

Of a Gaṇa, a prostitute, a thief, a songster, a usurer, a miser, an imprisoned man, a butcher, etc. also prohibited.

Also food offered without respect, etc.

Of a tale-bearer, a liar, an actor, an ungrateful person, a panegyrist, etc. also prohibited.

ceremonies, husked, boiled, etc. and is in the end offered to the Ṛitviks, a portion to each. The Ṛitviks have to partake of three morsels from the respective portions offered to them and respond extollingly to the author of the sacrifice. This partaking of it, however, necessitates a penance to them.

a worker in bamboo, and of him who deals in weapons (IV. 215), (the food) of dog-keepers, of vintners, of a washerman, of a dyer, of a panegyrist, and of him in whose house (lives) a paramour of his wife (IV. 216), (the food of those) who countenance paramours (of their wives at home), of those who are conquered by women in all cases, the food of those whose 5 death-impurity has not yet passed ten days, and also that which is not agreeable (to the mind) (shall not be partaken of)" (IV. 217).

763 With regard to this (MANU) speaks of a penance: "Having eaten the food of any one of these unintentionally, three days shall be spent (in fasting), and if it is partaken of 10 intentionally, and also semen, fæces, and urine, a Kṛichchhra shall be performed" (IV. 222). If (it is an) unintentional (act), (a penance of) three (days and) nights alone has been prescribed by PAITHÎNASI also thus: "He who has bad nails, he whose teeth are blackish, he who disputes 15 with his father, he who is conquered by woman, a leper, a tale-bearer, a seller of Soma, he who lives by merchandise, a village priest, he who has had a charge against him, he who has begotten a child on a Vṛiṣalî, an elder brother whose younger is married before him, he who would marry 20 before his elder brother, the husband of a Didhiṣû, the son of a woman twice-married, a thief, one of a military profession, and he who lives by service,— these are (persons) whose food shall not be partaken of, whose company is prohibited at dinner, and who are prohibited from (being entertained 25 at) Śrâddhas, and for unintentionally partaking of the food of these or making a gift to them (s), (the) penance is (fasting for) three (days and) nights." And the same having been mentioned with some additions, a Chândrâyaṇa (penance) has been stated by ŚAṄKHA, but that refers to the (case 30 of) repetition. On the other hand, having (in this text) mentioned the persons whose food should not be eaten, "Uchchhiṣṭa, (the food of) an adulterous woman, (the food of) a person who has been accused of a crime *etc.*" (II. viii. 17), a penance has been stated by GAUTAMA thus, "(For eating) what is mentioned prior to the five-toed 35 animals (the penance is) vomiting (it out) and drinking ghee" (III. v. 26), but that refers to the (case of) eating at (the time of) distress.

Three days' fast if eaten unintentionally and a Kṛichchhra if intentionally.

Three days' fast for partaking the food of or for offering food to a tale-bearer, a seller of Soma, the son of a twice-married woman, etc.

Chândrâyaṇa for a repetition of the act.

Vomiting and partaking of ghee if eaten at the time of distress.

764. Next, when one by force is made to eat (the prohibited food), (a) special (rule) has been mentioned by ÂPASTAMBA: "And when those 40 persons who, by Mlechchhas, Chaṇḍâlas, and thieves, are thrust into service, and compelled to commit unworthy acts, cruelty to animals, such as cow and so forth, the removal of refusals on the platter,

Those who are perforce obliged to do unworthy acts or eat unfit things shall perform:

(s) S. omits 'making gift to them.'

partaking of Uchchhiṣṭa likewise, and the partaking as well of the flesh of donkeys, camels, and village hogs, and also (for the sin of being compelled) to associate with their women and eat in their company likewise, if he (who is affected by the taint is) a twice-born (man), the expiation is a Prâjâpatya if (he had been) detained for one month. But if he is an Âhitâgni he shall perform a Chândrâyaṇa or even a Parâka. He who is detained for one year shall perform a Chândrâyaṇa as well as a Parâka. A Śûdra who had been detained for one year shall subsist on barley-gruel for half a month, and a Śûdra who is detained for three months is purified by a fourth part of a Krichchhra. But if it is more than one year, the penance should be devised by the best of the twice-born, but if (he is detained by them for) three years, he attains their very condition."

Prâjâpatya if detained for one month; Chândrâyaṇa if he is an Âhitâgni.

Chândrâyana and Parâka if detained for one year.

Subsisting on barley-gruel for fifteen days if a Śûdra.

Equality in three years.

765. And when the food owned by one who is affected by impurity is partaken of, CHHÂGALEYA prescribes (a penance in that case): "When the Brâhmaṇas eat (the food of a person) when he is affected by a birth or death-impurity, they are purified by performing one hundred Prâṇâyâmas if the impurity is of a Śûdra. If that is of a Vaiśya sixty would do, twenty if of a Kṣatriya, and ten if of a Brâhmaṇa, and also abstaining from food for one day, three days, five days, and seven days. Then they are liberated from the sin and thereafter they shall partake of Pañchagavya." One day, three days, etc. are to be taken respectively with Brâhmaṇa, etc.

Prâṇâyâmas, fasting, and Pañchagavya for unintentionally eating the food of one affected by birth or death-impurity.

And this refers to the case (of an) unintentional (act), but if (it is done intentionally, MÂRKANḌEYA says thus: "A twice-born (man) for having eaten the food of a Brâhmaṇa affected by impurity, shall perform a Sântapana; having eaten (the food) of a Kṣatriya affected by impurity, (the performance of) a Tapta Krichchhra is prescribed; having eaten (the food) of a Vaiśya affected by impurity likewise, a Mahâsântapana shall be performed; and having similarly eaten (the food) of a Śûdra himself, the (typical) vow (of penance) shall be conducted for three months" Further there is the statement of ŚAṄKHA, "Having eaten (the food) of a Śûdra when he (is affected) by impurity one shall observe the vow (of penance for) six months; having eaten (the food) of a Vaiśya likewise, one shall observe the vow (of penance for) three months; having eaten (the food) of a Kṣatriya likewise, one shall observe the vow (of penance for) two months; and having eaten (the food) of a Brâhmaṇa (who is) likewise (affected) by impurity, one shall

Sântapana Krichchhra etc. for eating intentionally.

Six, three, two, and one month's typical penance (respectively) where the act is repeated.

observe the vow (of penance) for one month." This refers to the case (where the act is) repeated.

Penance after the period of impurity of the person is over.

And it should be understood that this penance is (to be performed) after the impurity (of that person has expired). For says the text of VIṢṆU, "In the case of him who eats only once the food of Brâhmaṇas etc. when (they are) affected by impurity, the impure condition lasts so long as their impurity does; and when (that is) over, he shall perform the penance." 5

Three days' fasting for eating the food of a childless person, a usurer, and he who neglects religious duties.

766. And for eating the food of a childless (person) etc., LIKHITA lays down (the penance): "Having partaken of the food of one who lives by taking interest, (the food) of one who does not attend to religious observances, (the food) of a childless person, and likewise (the food) of a Śûdra, one shall not partake of food for three (days and) nights." 10 15

Chândrâyaṇa for repeatedly eating the food of a Parapâka-nivṛitta, Parapâka-rata, and an Apacha.

Similarly (there is this): "Having eaten the food of a Parapâka-nivṛitta, a Parapâkarata and an Apacha, a twice-born (person) shall perform a Chândrâyaṇa (penance)." And this refers to the (case of) repeating (the act). 20

Parapâka-nivṛitta.

The definitions of a Parapâka-nivṛitta etc. have been given by that very (authority) thus: "He who has kindled the Sacred Fires but has passed them to a repository and does not perform the five Mahâyajñas, is declared by the sages to be a Parapâka-nivṛitta ('one who escapes cooking food intending it for others'). 25

Parapâka-rata.

He who always, (after) rising in the morning, does perform the five Mahâyajñas, but sustains himself by the food given by others, is a Parapâka-rata ('one who subsists on another's food').

Apacha.

He who without the rightful occupation of a householder gives (food), is declared by the sages well versed in the real nature of Dharma to be an Apacha ('one who should not prepare food')." 30

Chândrâyaṇa for eating the food of a Brahmachârin or a Sannyâsin repeatedly.

(This is the) text which has been laid down by VṚIDDHA-YÂJÑAVALKYA with reference to eating of the food of a Brahmachârin etc.: "An ascetic and a Brahmachârin might both possess (only) cooked food: The food of neither of them shall be partaken of, and if partaken of one shall perform a Chândrâyaṇa." Also there is this which is stated by BHÂRADVÂJA with reference to the partaking of food of one who does not perform a Pârvaṇa-Śrâddha etc.: "Whether (every) half month or month, whose (food) the gods do not partake of,—if of him who leads a censured life, (the food) is eaten, a Brâhmaṇa shall perform a Chândrâyaṇa." Both of these refer to the (case of) repetition. 35 40

Chândrâyaṇa for repeatedly eating the food of him who neglects Pârvaṇa-Śrâddha etc.

767. Now, for having eaten the food of those, who, being other than those enumerated above, follow a prohibited line of conduct, that which has been laid down in the Ṣaṭtrimśanmata should be observed (to hold good): "A twice-born (person) who eats the food of one that does not observe the rightful (line of) conduct or that follows a prohibited (line of) conduct shall for one day observe fasting." With regard to this very (case), where there is a repetition (of the act), it has been stated in the Ṣaṭtrimśanmata itself: "Having continuously for one year partaken of the food of one who is tainted by minor sins, a twice-born person shall perform a Parâka (for the purposes of) expiation."

One day's fasting for eating the food of one who neglects the rightful conduct or takes to a prohibited one.

A Parâka if the act is repeated for one year.

768. And this group of the vows (of penance) which is, indeed, described without (t) a special reference (to caste) in this section on penances for eating forbidden food, (does apply) only to the highest of the twice-born (persons). And in the case of Kṣatriyas etc. it applies a quarter and a quarter less. For says the text of VIṢṆU, "The whole of it should be prescribed in (the case of) a Brâhmaṇa, it is declared that it is only) three-fourths in (the case of) a Kṣatriya, half in (the case of) a Vaiśya, and it is declared that a fourth part of it (would do) in (the case of) Śûdra castes."

All the above group of penances for a Brâhmaṇa only unless otherwise stated.

A quarter and quarter less in the case of other Varṇas.

Here ends the Topic on Penances for Eating Forbidden Food.

SECTION XXXIX.—PENANCES FOR SUNDRY OTHER SINS.

769. At the time of enumerating the causes occasioning penances, causes of the loss of caste etc. have been enumerated after the minor sins, and (now) penances will be described for such. With regard to that (matter says) MANU, "Having intentionally committed any one of the deeds bringing about the loss of caste, one shall perform a Sântapana (penance) and a Prâjâpatya if unintentionally. For committing (the deeds) bringing about degradation to mixed castes or rendering one unfit to receive gifts, the expiation is Aindava (continued) for one month, and for (committing the deeds) making one impure, drinking of hot barley-gruel for three days (is the) expiation" (XI. 124-5) The expression "any one" is syntactically connected throughout.

Sântapana for intentionally committing an act causing the loss of caste, and Prâjâpatya if intentionally done.

Aindava for one month for an act causing degradation into mixed castes.

Subsisting on hot barley-gruel for three days for becoming impure.

(t) S. wrongly has *viśeṣodita*, with special reference.

But (a) special (rule) has been mentioned by YAMA: "Having committed a deed causing degradation into mixed castes, barley-gruel shall be partaken of for one month; or else the penance (of) Kṛichchhra-Atikṛichchhra might as well be performed. Having committed a deed that renders one unfit to receive gifts, one is purified by a Tapta Kṛichchhra. Or the purification is by (performing) a Śîta Kṛichchhra or even a Mahâsântapana. And with regard to (those acts) making one impure, the expiation is a Tapta Kṛichchhra." A special (penance) has also been mentioned by BṚIHASPATI with regard to an act causing the loss of caste: "Having inflicted injury on a Brâhmaṇa, (having) killed an ass or the like, or (having) accepted money from prohibited (sources), one shall observe the vow of half a Kṛichchhra."

Tapta Kṛichchhra etc. for having rendered one's self unfit to receive gifts.

Half a Kṛichchhra for doing injury to a Brâhmaṇa, killing an ass, etc.

And of these penances laid down by MANU and others for the acts causing the loss of caste etc., the application is to be decided with regard to the caste, ability, etc. (of the expiator). Thus has been the penance with regard to the eating of forbidden food etc briefly narrated as the lord of Yogins had in view, and now we revert to the topic on hand.

Caste, ability, etc. of the expiator decide the application of these special penances.

SECTION XL.—PENANCES FOR SINS CLASSED AS MISCELLANEOUS SINS.

770. It has been said that sin is of five kinds, namely, mortal sins, heinous sins, high sins, minor sins, and miscellaneous sins. Of these, having laid down the penances for the (first) four kinds of sin, (the sage) goes on to lay down the penance with regard to the miscellaneous sins as that (group) comes in the order:

Having bathed in water he shall perform a Prâṇâyâma who has used a donkey or camel conveyance,

CCXCI. Has bathed or eaten naked, or has even approached a woman at daytime.

A conveyance to which a donkey is yoked is a donkey conveyance; a conveyance to which a camel is yoked is a camel conveyance; these (denote) a chariot, a car, etc. For having undertaken a journey by means of such (vehicles), for having bathed quite naked, or having partaken of food (in that condition), or having had sexual connection with his own wife at daytime, (that is,) at the time of day, he shall take a bath by plunging in a tank, a river, or the like, perform a Prâṇâyâma, and is (thus) purified.

Bathing and Prâṇâyâma for using a donkey or camel conveyance, and bathing or eating naked intentionally.

And this refers to the case (where the act is) committed intentionally. For says the text of MANU: "Having got into a camel-vehicle or a donkey-vehicle intentionally, he shall along with his clothes plunge into water, perform a Prâṇâyâma, and is thus purified" (XI. 201). If (the act is) unintentional, mere bathing should be prescribed. 5

Mere bathing if unintentional.

If one mounts a donkey itself, a double repetition of it shall be prescribed, that being worse (still).

Twice if riding.

771. And more:

Having used (the word) 'Hum!' or 'Tvam' to a Guru, or having conquered a Brâhmaṇa in a controversial argument, 10

CCXCII. Or having tied his person with a raiment (he) shall soon appease him and fast during the day.

Having to a Guru, the father and the like, used the word, 'tvam' ('thou') as '*Tvam evam âttha*, thou hast said so,' '*Tvayâ evaṃ kṛitam*, so is it done by thee,' etc. by using the word *yuṣmat* with its singular termination, and thus reproaching him; or having with anger checked a Brâhmaṇa, older or younger than himself with such expressions as, '*Hum! tûṣṇîm âsva*, Hum! keep quiet,' '*Hum mâ bahu vâdîḥ*, Hum! talk not much' etc.; having conquered a Brâhmaṇa with garrulous or fallacious talk ensuring victory; or having tied even as much as a raiment, soft to touch, about his neck, the offender shall soon appease him, by falling on his feet etc., see that his anger is gone, and fast during the day, (that is,) he shall spend the entire day without eating anything. 15 20 25

Appeasing and fasting throughout the day for insult or impertinence to a Guru or Brâhmaṇa.

Or for overpowering a Brâhmaṇa with fallacious argument, etc.

And (there is the text) which is stated by YAMA, "Having vanquished a Brâhmaṇa in a controversial argument, he shall intending to make amends (for it) fast for three days, bathe, and appease him, but it refers to the (case of) repetition. 30

Appeasing and three days' fast for repetition of the act.

772. And more:

For having tried to beat a Brâhmaṇa a Kṛichchhra (is the penance); for dealing (the blow), 35

CCXCIII. An Atikṛichchhra; for shedding blood, a Kṛichchra-Atikṛichchhra; and for making the blood appear, a Kṛichchhra.

If a rod or the like is got ready with the idea of beating a Brâhmaṇa, a Kṛichchhra is necessary to bring about the purification. For dealing the blow, (that is,) if (the Brâhmaṇa) is struck, then an Atikṛichchhra (becomes necessary). For shedding blood, (that is,) if the blood flows, on the other hand, (the penance is) a Kṛichchhra-Atikṛichchra. Even for making the blood appear, a Kṛichchhra is (the penance) bringing about purification. 5

Kṛichchhra for trying to beat a Brâhmaṇa; Atikṛichchhra for beating; Kṛichchhra-Atikṛichchhra for shedding blood.

773. A special (rule) has been stated by BṚIHASPATI in this connection: "Having beaten him with a stick or the like, one shall perform a Kṛichchhra if the skin is pierced (*u*). And if a bone breaks an Atikṛichchhra is (the penance), while if a limb is mutilated a Parâka." In case of kicking (him) with the leg, YAMA states (the penance): "Having touched a Brâhmaṇa with one's foot, he, who intends to make a penance for it, shall fast for one day, bathe, prostrate (before him), and appease him." 10 15

Kṛichchhra, Atikṛichchhra, or Parâka for doing signal injury to the skin, bone, or limb.

One day's fasting, bathing, prostrating, and appeasing for kicking a Brâhmaṇa.

774. And MANU points out penances for other miscellaneous sins thus: "Having thrown the bodily (filth) out when unable to bear (the pressure) either without water or into the water itself, he shall along with his clothes plunge into water outside (the village), touch a cow, and is (thus) purified" (XI. 202). "Without water" means, even though water cannot be found near (for washing purposes). "Bodily (filth)" (is) urine, fæces, etc. 20 25

Bathing with clothes, and touching a cow for throwing out bodily filth without w.ter or into water.

This refers to the case (where the act is) done unintentionally. But when (it is done) intentionally, what is laid down by YAMA thus should be understood (to hold good): "When not in extreme cases, he who discharges the bodily water, shall spend one day in fasting and plunge into water with his clothes on." 30

One day's fasting additional if the act is intentional.

But (there is the) text of SUMANTU, "For him who eases nature in water or in fire, (the penance is) a Tapta Kṛichchhra;" but that refers to the case of one who is not in distress or to the case of the repetition (of the act). 35

Tapta Kṛichchhra for easing nature in fire.

775. When there is an omission of the Śrauta rites that are obligatory, MANU states (the penance): "If there is a non-performance of the rites that are laid down in the Vedas and are obligatory, and also if there is an omission of the vows of a Snâtaka, the penance (consists in) fasting" 40

Fasting for neglecting Śrauta rites and Snâtaka vows.

(*u*) N. has a reading equivalent to, 'if no (part of his body) breaks.'

(XI. 203). In (case where) the Śrauta rites (namely,) the Darśapûrṇamâsa etc. and also the Smârta ones, (namely,) the making of burnt offerings etc. that are not obligatory (are omitted), then this fasting shall be observed along with the penances of the (form of) Iṣṭis(v) etc. laid down expressly in each (case). And the Snâtaka vows are the following and the like that have already been described: "And he should not put on old and dirty clothes if well-to-do." Having mentioned the vows of a Snâtaka it has been stated (thus) with reference to them by KRATU also: "For the breach of each of these observances, one shall perform a meditative repetition of Gâyatrî one hundred and eight (times), and is (thus) purified."

Fasting in addition with the respective Iṣṭis forming expiatory rites.

Meditative repetition of 108 Gâyatrî for breach of any Snâtaka vow.

776. And for not performing of the five Mahâyajñas BRIHASPATI lays down (the penance): "That householder who, being sound (of health), partakes of his food without having discharged, even though he has wealth, the five Mahâyajñas every day attains purification by (performing) half a Kṛichchhra. Also he who being an Âhitâgni does not perform the Upasthâna rite at the Parvaṇs or does not approach his wife at the time favourable for conception, shall perform half a Kṛichchhra."

Half a Kṛichchhra for neglecting the five Mahâyajñas, Upasthâna rite, or cohabitation with one's wife at the time favourable for conception.

When the second etc. wife (of one) dies DEVALA lays down (the rule of regulation in that case): "If one, when his first wife lives, cremates his second wife who dies with the Vaitânika Fires, that (act becomes) equal (in the point of sin) to drinking Surâ." But when one slanders his own wife, YAMA lays down (the penance to apply to that case): "When a man, out of anger, speaks of his wife as being unfit to be approached, he shall if (he is) a Brâhmaṇa perform the Prâjâpatya (penance); if a Kṣatriya (he shall observe the vow for) nine days; if a Vaiśya for six days; and if a Śûdra for three days."

He who cremates his second wife with the Śrauta Fires while his first wife lives incurs the sin of drinking Surâ.

Prâjâpatya for a Brâhmaṇa who slanders his wife.

777. In case where one partakes of food etc. without bathing, HÂRÎTA speaks of (the penance) thus: "Having carried an empty bowl, or having partaken of food without having taken a bath, the purification is (attained) by (fasting) one day and night, and also by the daily meditative repetition (of the Mantras)."

One day's fasting for eating without bathing.

(v) Iṣṭi is the name of a Śrauta rite which is to be performed by an author of sacrifice in company with his wife and assisted by four Ṛitviks engaged. They are of many kinds, some of them being purely expiatory in purpose.

778. For serving etc. with partiality, out of love or the like, to persons that are seated in one row (to dine) YAMA mentions (the penance): "(To persons seated to dine) in a row, one shall not serve with partiality, nor shall (such thing) be asked for, nor shall it be caused to be served. For he who would ask (for such), he who would cause such a serving, and he who would serve (that way) are not entitled to heaven (w). From (the sin of) that act one is liberated by (performing) a Prâjâpatya Kṛichchhra. For him who destroys the passage to a river, him who throws an obstacle in (the path of the marriage of) a girl, and him who brings out dissension where there was harmony, no expiation there can be. For all the three of these who would seek a liberation (from their sin), (the course is that they shall subsist) by what is obtained from alms, (and if) twice-born, perform a Chândrâyaṇa." Passage is a path to get into the water (of it). "He who brings out an unjust thing where there was a just one" (refers to) (the cases where due) honour (was being shown) etc.

Prâjâpatya for partiality in serving food.

Subsisting on begged food for destroying the passage into a river, for throwing an obstacle in the way of a marriage, and for creating dissension, Chândrâyaṇa if a Brâhmaṇa.

779. For showing a rainbow etc. ṚISYAŚṚIṄGA lays down (a penance): "He who would show to others a rainbow or the fire (that is) consuming the Palâśa trees (shall perform) the penance (of fasting) for one day and night, and the gift (he shall make is) a bow (x) and a staff (respectively)."

One day's fasting for showing a rainbow to others.

780. For speaking to (persons) who have suffered degradation from caste etc., GAUTAMA lays down the penance thus: "He should not converse with Mlechchhas, impure persons, and the wicked. And if he has conversed with them he shall reflect in his mind the virtuous (men), or he might converse with a Brâhmaṇa. For obstructing (the acquisition) of 'bed,' food, and wealth he shall in each case (observe the vow of penance for) one year" (I. ix. 17--19...). For obstructing, (that is,) for throwing an obstacle in the way of acquiring a wife, subsistence, and wealth, the aforesaid (typical) Brahmacharya shall in each case (be observed for) one year.

Reflecting of the good for speaking to Mlechchhas, impure persons, or the wicked.

One day's penance for obstructing the acquisition of "bed," food, or wealth.

781. Similarly for voiding urine and fæces etc. without the sacred thread on, a penance has been laid down (thus) in another Smṛiti: "If, without the sacred thread, a twice-born (person) becomes Uchchhiṣṭa, the penance (of fasting) shall be observed for one day and

For voiding urine and fæces, with the sacred thread off.

(w) S. omits this sentence.

(x) S. has *dhenuḥ*, a cow, in place of *dhanuḥ*, a bow.

night or even a meditative repetition of Gâyatrî one hundred and eight (times)." If the defilement is in the upper (part of the) body (the penance) is fasting, and if the defilement in the lower (part of the) body in drinking water etc., then the meditative repetition of Gâyatrî (shall be performed). And this is the settlement. But if (this takes place) without any intention 5 (on the part of the doer), the following stated in another Smṛiti should be observed (to hold good): "When one without his sacred thread (on the body) would drink (water), void fæces, and partake of food, (these) three, (namely,) the (performance) of 10 three Prâṇâyâmas, (of) six (Prâṇâyamas) and (fasting during the day) and partaking of the meal at night are respectively (the penances)."

For unconsciously drinking water, voiding fæces and partaking of food, three Prâṇâyâmas, six Prâṇâyâmas and eating at night after the day's penance are the penances.

782. And where one after having eaten does rise without having sipped water (for the purposes) of purification, the 15 following laid down in another Smṛiti should be taken (to hold good): "He who rises (from his platter) without having sipped (Apośana) water, or from it without having partaken of the meal, he shall bathe forthwith, or else he suffers degradation (from caste)." 20

Bathing for leaving the platter without sipping Apośana water.

783. When a thief etc. is let go (without being punished) VASIṢṬHA prescribes (the penance thus): "When (an offender) deserving punishment (*y*) is let go (without punishment), the king shall fast for one (day and) night, and the Purohita (for) three (days and) nights. 25 When one who deserves no punishment is punished, the Purohita shall perform a Kṛichchhra, and the king shall (fast for) three (days and) nights" (XIX. 40–3).

For not punishing an offender the king shall fast for one day and Purohita for three; for punishing an innocent person the king shall fast for three days and the Purohita perform Kṛichchhra.

784. "He who has bad nails and also he who has blackish teeth shall 30 perform a Kṛichchhra (lasting) for twelve days and have them extracted" (XX. 6). "(Shall) have them extracted" means that they should have the bad nails and also the black teeth drawn out.

Performing Kṛichchhra and extracting bad nails and black teeth.

785. And for having eaten in the (same) row (as) a thief, a person 35 who has suffered degradation (from caste), etc., MÂRKAṆḌEYA mentions (the penance): "If any Brâhmaṇa eats in the (same) row (as) a man whose company is prohibited at dinner, he is purified (from that sin) by fasting for one day and night and by (partaking of) Pañcha- 40 gavya."

One day's fast and Pañchagavya for eating in the company of the undeserved.

(*y*) G. and N. give the reading *daṇḍa*.

786. Now with reference to indigo, ÂPASTAMBA says as follows: "When a Brâhmaṇa would wear on his person a raiment dyed with indigo, he is purified (from that sin) by fasting for one day and night and (partaking of) Pañchagavya. But when the essence of indigo 5 does enter into the pores of the skin of any one, then the common expiation is a Tapta Kṛichchhra for the three superior Varṇas. The preservation of it, the sale also of it, and the subsistence by that business becomes the cause of degradation from one's own caste, and (if a) Brâhmaṇa (does it) he removes (that sin) by the three 10 Kṛichchhras. When an indigo plant is cut down, and in case that blood (is caused) to appear from a Brâmaṇa's body, a twice-born person shall (in either case) perform a Châṇdrâyaṇa. If (indigo cloth is 15 used) by women for the purpose of amorous enjoyments or as a bed dress, one is not tainted thereby." BHṚIGU also says, "Indigo (coloured dress) put on by a woman in bed, is not tainting a Brâhmaṇa. That might be put on by a Kṣatriya on occasions of 20 Vṛiddhi, and by a Vaiśya (on days) leaving out (the Parvaṇ) days." Similarly there is a counter-exception if it enters into particular varieties of cloth, for, says the text, "The colour of indigo (found) in a blanket or silk thread is not tainting 25 (a person)."

One day's fasting and Pañchagavya for wearing indigo cloth.

Tapta Kṛichchhra if it gets into the pores of the body.

Three Kṛichchhras for preserving, selling, or subsisting by indigo.

Châṇdrâyaṇa for cutting down an indigo plant.

There is no taint if that is used by ladies for sports or bed dress.

A Kṣatriya might wear it on occasions of Vṛiddhi and a Vaiśya on days excepting Parvaṇ days.

Indigo-coloured blanket and silk allowed.

787. ŚAṄKHA speaks of (the penance) for having occupied a bed-stead etc. made of Palâśa wood: "Having occupied a bed-stead, or a conveyance, made of Palâśa wood, and having put on the sandals likewise (of that wood), 30 a twice-born person shall observe the penance for three (days and) nights. A Kṣatriya, who being engrossed in (the saving of his) life, does turn his back on the battle-field shall perform the penance for one year (and also he who) cuts down a tree that yields fruits. When one 35 would pass between two Brâhmaṇas, or a Brâhmaṇa and his Sacred Fire, or a husband and his wife, or a cow and a Brâhmaṇa, he shall perform a Sântapana Kṛichchhra. If a Brâhmaṇa would pass between (them) at the time of making burnt offerings, milk- 40 ing likewise, studying, and in marrying, he shall perform a Châṇdrâyaṇa. 'In milking' (here means) (in that act) forming an auxiliary of making Sânnâyya offerings.

Three days' penance for sleeping on a Palâśa cot, etc.

One year's vow of penance for flying from battle or cutting down a fruit tree.

Sântapana Kṛichchhra for passing between two Brâhmaṇas, a husband and his wife, etc.

Châṇdrâyana if they are better engaged.

This refers to (the case of) repetition.

788. With regard to the observing of the sun covered with spots and the like evil forebodings, ŚAṄKHA says, "For having dreamt a bad dream, observed an evil foreboding, and so on, ghee as well as gold shall be made over (in gift)." 5

Gift of ghee and gold for dreaming bad dreams, observing evil forebodings, etc.

789. DEVALA says as follows with regard to going to certain countries: "He who goes to (the kingdoms of) Sindhu, Sauvîra, Saurâṣṭra, likewise the country of the Mlechchhas, Aṅga, Vaṅga, Kaliṅga, and Ândhra requires initiation (again)." This refers to cases other than 10 pilgrimage.

Re-initiation for visiting Sindhu, Sauvîra, etc. countries.

790. YAMA says the following with regard to looking at one's own fæces and the like: "One shall not void fæces turning towards the sun, nor shall he look at his own fæces. And having looked at (his fæces), he 15 shall look on the sun, a cow, fire, or a Brâhmaṇa likewise." ŚAṄKHA also says thus: "Having warmed one's own foot (at the fire), having trod upon the fire likewise, and having rubbed the feet with Kuśa grass, one shall spend a day in penance."

Looking at the sun, cow, etc. for having looked at one's own fæces.

791. With reference to bowing to a Kṣatriya and the like HÂRÎTA says 20 thus: "A Kṣatriya being bowed down (to by him), one shall fast for one day and night; a Vaiśya being bowed down to, for two days; and a Śûdra being bowed down to, for three days." Similarly (there is this): "When one bows to one who has occupied a bed, and to one who 25 has put on sandals, or shoes to his feet, who is (in an) Uchchhiṣṭa (condition), who stays in (a) dark place, who is performing a Śrâddha, or who is occupied in meditative repetition (of the Mantras), fasting for three days is (the penance) and (it is) also three 30 days, when one who is invited at one's dines at another's The same (is the penance) even for bowing down to one who has sacred fuel, flower, or the like in his hand, for in the following text of ÂPASTAMBA they are expressed with a contiguous association 35 with meditative repetition (of the Mantras) etc.: "One shall not bow down to a Brâhmaṇa who has in his hand sacred fuel, flower, Kuśa grass, ghee, water, earth, food, or Akṣata, and also (to a Brâhmaṇa) who is performing meditative repetition (of the Mantras or making) burnt offerings."

One day's two's, and three's fast for bowing to a Kṣatriya, Vaiśya, and Śûdra.

Three days' fasting for bowing to one who has occupied a bed, put on sandals, etc.

Three days' fast for dining at another's having had the invitation of one.

Three days' fasting for bowing to a Brâhmaṇa religiously engaged.

The very same is the penance even for him who bows down (in that 40 very condition), for it has been prohibited even for him by ŚAṄKHA: "One who has a water-vessel in his hand shall not bow down to another, nor when he is collecting alms, nor having flowers, ghee, etc,

The same vow even for him who bows in similar conditions.

in his hand, nor when he is impure, nor meditatively repeating (the Mantras), nor performing the rites in honour of the gods or manes, nor lying down." In the same way even the other texts should be searched for (and taken) from other Smṛitis, and they are not given here lest the bulk of the work be increased. 5

Thus ends the Topic on Penances for Miscellaneous Sins.

SECTION XLI.—PRINCIPLES GOVERNING THE PRESCRIBING OF PRÂYAŚCHITTAS.

792. The causes occasioning penances being innumerable, and it being hardly possible to lay down a penance applicable to each case, (the 10 sage) lays down this in general for the purpose of determining a particular penance with reference to a case for which (a penance) has been prescribed or not prescribed:

The place, the time, the age, the ability, and the sin being considered, with effort 15

CCXCIV. The penance is to be determined in (that) case also for which no expiation is laid down.

Whatever group of penances has been laid down or will be laid down, that should, the place etc. being well considered, be determined with reference to a particular case, so that there will not 20 be any harm to the life of the undertaker, or else there will chance the loss of the very essential (thing). And it is said thus: "Subsisting on air, standing during the day, spending the night (by standing) in water, looking at the sun, *etc.*" Of these, if standing in water is prescribed for those 25 that live in the surroundings of the Himalaya Mountains or if during the cold season attended by excessive cold, then the loss of life might occur, and, therefore, standing in water should be prescribed to the exception of that place and time. 30

There should be no harm to the life of the expiator.

Time, place, age, etc. of the expiator should be well considered.

Similarly (should it be governed) by the peculiarities of the age also. When for one who is ninety years old etc., or for one who is under twelve years (of age), a penance lasting for twelve years is prescribed, then there may result a loss of (their very) lives, and, therefore, that penance should be prescribed for one of a different age. It is for the very reason that, 35 in another Smṛiti, in the text, "Half (the penance should be prescribed) in some cases and a fourth part (of it) in some (other) cases," a diminution of the penance is enjoined with regard to old men and the like. And that has been explained in detail already.

Likewise (should it be determined) with reference to the ability (of the expiator) for making gifts of money, conducting austerities, etc. Indeed (the penance laid down in the text), "Having made over (in gift) sufficient wealth at least to a worthy recipient" (III. 250), cannot be suited to one who has no wealth whatever. Nor can a Parâka etc. (be possible) likewise for one in whom biliousness etc. has increased nor the meditative repetition (of the Mantras) even for women, Śûdras, etc. It is with this very view that it has been thus said: "(But) being unable to make the (necessary) gift for (having slain) the elephant and the rest, one shall observe the vow of Kṛichchhra for purification in each (case)" (III. 274). Similarly with reference to one who is not able to perform austerities, a diminution of penance has been laid down in another Smṛiti thus: "Women and sick persons also deserve only half of the penance (prescribed)." Similarly sin also should be considered, whether it is of the nature of a mortal sin etc. and whether (it presents any) characteristics of consciousness or unconsciousness, a single committing or a repetition, and with effort, (that is,) by a careful consideration of all the Dharma-Śâstras, a penance should be determined. With regard to it, whatever (penance) is prescribed for (committing an act) unintentionally, (the same becomes) double where (the act is) committed intentionally, and four times for an intentional repetition (of the act), and thus it should be determined in accordance with the (texts of) other Smṛitis. It is stated thus: "He who would falsely accuse another of mortal and minor sins, shall spend one month subsisting on water." But with reference to it, as it is not justified that the same penance (should apply) equally to a mortal sin as well as to a minor sin, a lesser penance than (that in the case of) a mortal sin, should be determined in (the case of) a minor sin.

The ability, wealth, health, sex, caste, etc. also to be taken into account.

Likewise the class of the sin. the voluntary and involuntary nature, single performance or repetition, etc.

Judicious care necessary to determine the penance.

793. (Objection 1). Well, no such group of causes occasioning penances as have not an expiation been laid for, there remains. For in the text, "One hundred Prâṇâyâmas shall be performed for being freed from all sins, and from that (sin occurring in the midst) of the group of minor sins for which (a separate penance) has not been prescribed" (III. 305), a penance has been pointed out (so as to apply) even to (those) sins for which (separate) penances have not been prescribed. Even by GAUTAMA the (penances) of one day etc. have been laid down (with regard to such sins) by (the text): "These very (penances) they might perform as a matter of option in cases for which particular penances) have not been laid down" (III. i. 18).

(Answer). It is (thus) said (in reply). (It is) true that there actually is a laying down of the penance in general, and, nevertheless, as every case necessitates the consideration of place, time, etc., there certainly

is a need for determining (the exact penance). Nor is it proper that in all (such) cases as laughing at (another in derision) and the like, one hundred Prâṇâyâmas (should be prescribed as the penance), for the (cause) occasioning (the penance) is (of a) very (z) trivial (nature). Thus with reference to (the nature of a) sin, a diminution (of the penance) or a different penance (altogether) should be determined.

(Objection 2). Well, how can (there be an import that) the sin is of a light nature whereby the determination of a light penance is possible? Nor should it be said that it is because of the very light nature of the (corresponding) penance, for no (particular) penance whatever has been laid down (in some cases).

(Answer). It is true, but on account of the laying down Arthavâdas and also of considering the necessary elements (of doing the acts) out of intention or not out of intention, the heavy or light nature of the penance is easily discernible. In the same way the heavy or light nature of the penance (is to be determined) by considering the heavy or light nature of the (corresponding) (legal) punishment. It is as (follows): When a Brâhmaṇa etc. is assaulted, a Prâjâpatya (penance) etc. is laid down in (the case of) those of the same caste; and with regard to that, when the assault etc. is committed by a man of lower Varṇa or by a man of higher Varṇa (than the assaulted) or when it is committed by Mûrdhâvasiktas etc., then the light or heavy nature of the offence being understood from the very enjoining of different penalties (corresponding to them), it should be determined that the penance also should be of a heavy or light nature. And the heavy or light nature of the punishment has been pointed out in, "When scandals (are from castes) of inferior order, the punishment is two times, three times," (II. 207), and the like (texts).

SECTION XLII.—THE GHAṬA-ŚRÂDDHA.

794. Thus has penance been ordained for one who has suffered degradation (from caste) on account of mortal sins and the like: (The sage) now says what should be done (in the case) of him who, out of arrogance etc., does not intend to perform the (said penances):

(They) shall have a (water) vessel (brought by a) maid-servant, carried outside a village, and the agnates and relations

CCXCV. Of him who has suffered degradation from caste, shall remove him beyond (the pale of relationship) in all matters.

(z) Some editions omit *ati*, very.

Although he who has suffered degradation (from caste) is alive, those who (are his) agnates, (that is,) Jñâtis, and relations, (that is,) those who are related to him through his father and mother, all of them should join together and have a (water-)vessel, (that is,) a vessel full of water, brought by a Dâsî, (that is,) a maid-servant (*a*), sent by the Sapiṇḍas etc., carried outside the village. 5

They shall have a vessel of water carried per a maid-servant.

795. This should be performed in the presence of the Gurus and the like at the fifth division of the day on (one of) the Ṛikta days such as, the fourth day of lunar half month and so on. For says the text of MANU: "(The rite of presenting) water intended for one who has suffered degradation (from caste) shall be performed by the Sapiṇḍas and Bândhavas (*b*) outside (the village) at the evening (time) on an inauspicious day, and in the presence of the agnates, Ṛitviks, and Gurus" (XI. 182). Or the Dâsî herself being asked by the Sapiṇḍas etc. might overturn it. Thus says MANU: "A maid-servant shall overturn a vessel full of water with (her) foot, and, as (in the case of a) person (who is) dead, (the Sapiṇḍas) along with the Bândhavas shall observe impurity for one day and night" (XI. 183). (The use of the expression) "as (in the case of a) person (who is) dead" is to import (the idea of their) turning the faces towards the south and wearing the sacred thread under the left arm. 10 15 20

Overturning a vessel on an inauspicious day at the evening time in the presence of the Gurus etc.

Other peculiarities of obsequal rites.

796. And that overturning (of the vessel), it should be understood, (is to be performed) subsequent to the presentation of water and Piṇḍa and the like after-death ceremonies. For says the text of GAUTAMA: "Having assembled the Gurus in study of that (Patita) and also the relatives by marriage, (the sons and other kinsmen) shall perform (for him) all the funeral rites, the libation of water, etc. (III. ii. 2). And (then) they shall overturn his water-vessel (in the following manner) (III. ii. 3): A Dâsa or a hired servant shall fetch an (impure) vessel from a dust-heap, fill it (with water taken) from the pot of the Dâsî, and with his face turned towards the south, upset it with his foot pronouncing (the sinner's) name (and saying), 'I render so and so unfit for water libations' (III. ii. 4). All (the kinsmen) shall touch him ('Dâsa') passing their sacred thread over the right shoulder (and under the left arm) and untying the locks on their heads 25 30 35

Presentation of water and Piṇḍa shall precede the overturning.

Details given by GAUTAMA.

(*a*) This definition of 'Dâsî' should be noticed. Such things help us to understand that though there was the system of perpetual bondage in India, yet it was different from slavery.

(*b*) It is important to note the meaning which VIJÑÂNEŚVARA attaches to the term 'Bândhava.' The commentators of MANU seem to hint that this means Samânodakas also.

(III. ii. 5). The Gurus in study and the relatives shall witness (the scene) (III. ii. 6). Having bathed, they (all shall) enter the village" (III. ii. 7).

Abandoning only when all persuasions fail.

797. It should be understood that this disconnecting him (thus from all relationship) (is to be done only) then, when, 5 even though urged by his relatives to do so, he does not perform the penance. For says the text of ŚAṄKHA: "The sin he has committed should be proclaimed in the presence of his Gurus in study, of the relatives, and also of the king, again and again he must be caused to be told by them 'Get (back to 10 the line of) the righteous conduct,' and if, notwithstanding this, he es not turn his mind that way, then a (water-)vessel (in) his (case) shall be overturned."

Place him beyond the pale of social communion thereafter.

Then that (Patita) for whom water (libations) have been presented, they shall remove beyond (the pale of all relation- 15 ship), (that is,) avoid him in all matters, conversation, sitting in company with, etc. Just so (has) MANU: "Thereafter they shall refrain from conversation and sitting in company with that (degraded person), also giving him (his share in the) inheritance etc., and even the 20 ordinary intercourses of the world" (XI. 184). If one, out of affection or the like, does hold conversation with him, then he has to perform a penance as is stated (in the following text). "Thereafter if one would converse with him, he shall spend one (day and) night (in fast- 25 ing penance and) meditatively repeating Gâyatrî if (the act is) unintentional, and three (days and) nights if it is done intentionally."

He has no right to inherit.

One day's penance for unintentional conversation with him, and three days' for intentionally doing so.

798. But when on account of being forsaken by the relatives or otherwise, if non-attachment arises in him, and also the penance is per- 30 formed by him (subsequently), (the sage) next says what should be done (in that case):

(But) if having finished the vow of penance he returns, (they) shall carry a (water-)vessel, which is new 35 (along with him),

CCXCVI. And they shall not despise him (but)-move with him in all matters.

Carrying a vessel in order to take him back to the society.

(But) if he, after having performed the penance, would come back again to his relatives, then his Sapiṇḍas and the rest, being accompanied by him, shall carry (an- 40 other) vessel (which is) new, (that is,) not used, and (is) full of water.

799. And this carrying (of a new vessel), it should be understood, (should be performed) after bathing in an auspicious pool of water and the like. For says the text of MANU: "And when the penance has been performed (by him), (they) shall in company with him himself, bathe in an auspicious pool of water, and throw a vessel (which is) full of water and (is) new." (XI. 186).

Bathing in an auspicious pool of water should precede the act.

5

But (a) special (rule) has been laid down by GAUTAMA thus: "But if an (outcast sinner) is purified by (performing) a penance, (his kinsmen) shall, after he has become pure, fill a golden vessel (with water) from a very holy pool or a river, and make him bathe (in water taken) from that vessel. They shall give him that vessel, and he after taking it, shall meditatively repeat the following, 'Appeased (is) the sky, appeased (is) the earth, and appeased (is) the auspicious ethereal expanse; I here take that which is brilliant.' He shall with these Yajus's, with the *Taratsamandî* etc. (c) sacred to Pavamâna (Soma), and with the Kûṣmâṇḍa (Mantras) make burnt offerings of ghee. He shall make the gifts of gold and of a cow (to the Brâhmaṇas), and also (make the same gifts) to the Âchârya. But he whose penance lasts for his (whole) lifetime, is purified with death. This same (ceremony of bathing in) water consecrated for the sake of purification (must be performed) in the case of all minor sins" (III. ii. 10-5,17).

Details given by GAUTAMA.

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Thereafter, they should not at all hold him who has performed the penance, in contempt. Similarly in all matters, sale, purchase, etc., they shall have dealings with him.

Fair dealings with him thereafter.

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800 (The sage) now lays down an extension of the process above described of disconnecting (from all relationship) a person who has suffered degradation (from caste):

It is declared that this very process (should hold good) with regard to women who have suffered degradation (from caste), 30

CCXCVII. (But) accommodation should be given (to them) close to the house, (and also) food and clothing along with protection. 35

Whatever (is the rule of) disconnecting (from relationship), (that is,) the rule regarding the presenting of Piṇḍas and water libations with regard to men, and also the rule of taking back (to the fold) those who have performed the penance, that very (rule) should be understood (to hold 40

The same rule holds good in the case of women also.

(c) Rigveda VII. i. 15.

good) even (in the case) of women who have suffered degradation (from caste). But thus much (is in) addition: To those women, who, though have suffered degradation (from caste) and for whom the rite of presenting (disconnecting) water libations etc. have been performed, accommodation, (that is,) a small 5 cottage built of straws and leaves should be given in the proximity of the main (building of the) house. Similarly food that is just sufficient for the maintenance of life and also raiment of a low description along with (the protection) of preventing her from being enjoyed again by another man should be 10 given.

But food, raiment, accommodation, and protection should be extended to women.

801. Well, (it may be asked,) who those (women are) who have suffered degradation from caste) for whom this rule of disconnecting (from relationship) (does apply). (The sage), therefore, says:

Cohabiting with a man inferior (in caste), causing 15 abortion, and doing injury to the husband,

CCXCVIII. These also are certainly causing excessive degradation (from caste) for women.

Cohabiting with a man of inferior Varṇa, causing abortion, and doing injury to the husband, though he is not a 20 Brâhmaṇa, by a woman who also (need) not (be) a Brâhmaṇa woman,—these are the causes that bring about degradation of woman (from caste) in an excessive degree.

Adultery, causing abortion, and doing injury to the husband cause degradation in a woman.

Because of the word *api* ('also') (occurring in the text,) it must be 25 understood that even those (sins) which cause degradation (from caste), (namely,) mortal sins, heinous sins, high sins, and also minor sins repeated (for a sufficiently long time) are certainly, (that is,) undoubtedly, causing of degradation (from caste) for women. It is for the very reason that 30 SAUNAKA says thus: "Whatever are the causes of degradation (from caste in the case) of a man the very same (are so) even (in the case) of women. (But) a Brâhmaṇa woman suffers excessive degradation by associating with a man of inferior Varṇa."

Mortal sins, heinous sins, etc. likewise.

802. But (there is) this text of VASIṢṬHA which says, "Those that 35 are well versed in the sacred law state that there are three acts (only) which make women outcasts, (namely,) the murder of the husband, slaying a Brâhmaṇa, and the destruction of the embryo in their wombs" (XXV. iii. 7), (and in it the expression) "slaying a Brâhmaṇa" is employed; and that is for the purpose of illustration and not to deny the quality of 40 causing degradation (from caste) in the other mortal sins and the like.

(There is) also this (stated) by that (VASIṢṬHA) himself: "But these four (sorts of) women shall be abandoned, (namely,) one who yields herself to (her husband's) disciple and one who yields herself to (her husband's) Guru, and particularly one who attempts the life of her lord, or one who commits adultery with a Juṅgita ('a chuckler' or the like)" (XXI. 10). (Here) it has been said that the abandoning is with regard to these four (sorts of) women only, and, nevertheless (*d*), the idea is that among such women who (have suffered degradation from caste and) will not perform the penance, only four, (namely,) one who yields herself to (her husband's) pupil etc. should be abandoned without the (allowance of the) necessaries of life, (namely,) clothing, food, accommodation, etc., and it is not so with respect to other (offending women). And hence, it is inferred that (in the case) of other women who have suffered degradation (from caste), all that is said as, "accommodation should be given (to them) close to the house etc.", (III. 297) should be done though they do not perform the penance.

She who abandons herself to her husband's pupil or Guru, she who attempts the life of her husband, and she who commits adultery with a Juṅgita are to be abandoned without any necessaries of life, if they do not perform the penance.

803. (The sage now) states an exception to (the rule), "They shall not despise him (but) move with him in all matters" (III. 296):

But those who would do injury to children or women who seek their protection, one shall not associate with

CCXCIX. Although these, and (likewise) the ungrateful, have undergone the penance.

This, (namely,) that one should not have (any) dealings with those who would destroy those that would seek their protection etc. as well as with the ungrateful, although they have their sin melted away by (the performance of) penance, is a prohibition resulting from this text. What does the text (say)? (That) should be done. Indeed there is no obscurity with regard to the text. And hence, although the penance is but little in the case of killing profligate women, yet there is this prohibition resulting from the text with regard to the dealings (with such slayers).

Those who do injury to women, children, and the refugees shall be placed beyond the pale of communion.

804. Having thus, (as suggested) by the topic, laid down a special rule with regard to women, (the sage) mentions a special (rule) with reference to the procedure (to be adopted) in the case of him who has performed the penance, (ocedure which forms) the very topic (of consideration):

When the water-vessel (ceremony) has been finished,

(*d*) G., N. and S. all give a reading of *tasyâpi* here which is clearly wrong. D. rightly shows that it ought to be *tathâpi*, nevertheless.

he shall stand in the midst of the agnates, and fodder to the cows

CCC. He shall offer. Indeed he shall be honourably treated when he is first honourably treated by the cows. 5

He who is cast off from the society must offer fodder to the cows after undergoing the penance, if they eat it he may be received by his relatives.

When the (water-)vessel (ceremony) has been finished, (that is,) when the vessel which being filled from an (auspicious) pool is brought and water used (as said above), he who has undergone the penance, should stand in the midst of his Sapiṇḍas etc., and offer fodder to 10 the cows. When he is honourably treated by those cows first, (that is,) when he is given a respectable treatment (by the cows), then (only), an honourable treatment should be extended to him by the agnates. And the honourable treatment to him by the cows is the very eating of the fodder that is offered (to them) by him. 15 If, however, the cows do not accept the fodder offered by him, he shall further, in that case, perform the penance. Thus says HÂRÎTA: "He shall bring fodder (carrying it) on his own head, and offer it to the cows, and if they would accept it, then (his kinsmen) shall allow him movement (among themselves)." It is intended (to show) that (it should) not (be done) so 20 otherwise.

SECTION XLIII.—DECISION OF THE PARṢAT.

805. Having described a set of vows (of penances) referring to each case with regard to all the groups of sins that are of five kinds, (namely,) the mortal sins etc., (the sage) now lays down a mode (of procedure) that 25 is common to all the vows (of penance):

His sin being declared he shall observe (that) vow (of penance) directed by the Parṣat.

A sinner shall follow the course dictated by Parṣat.

What the sin is and how much of it has been committed by the individual being declared, (that is,) determined by persons 30 other than himself, then that person whose sin (has been thus determined) shall observe the vow (of penance) settled by the Parṣat.

He shall appear before a Parṣat though himself an adept in the Śâstra.

806. Although one is himself an adept in deciding the meaning of all the Śâstras, yet he shall appear before a Parṣat, 35 deliberate with that (assembly), and do only such (acts) as are accepted by that. A special (rule) has been laid down by AṄGIRAS also with reference to the (manner of) appearing before it; "When it is known beyond doubt

that sin has been committed, one shall not partake of food before he appears (before a Parsat) (assembly), and he who would eat increases his sin so long as he does not confess it before a Parṣat. That man shall, along with his dress, bathe with restrained speech, and with his wet clothes on and being attentive, shall, at the desire of the Parṣat, declare the whole truth. He shall accept the vow (of penance settled by them) and bathing similarly again shall observe the vow (of penance)."

Shall not eat before appearing before a Parsat.

Also the declaring (of one's own sin) should be done after the offering of a fee to the Parsat. Thus says PARÂŚARA: "A sinner shall declare (his) sin having given (them) a milch-cow and likewise a bullock." And this refers to the case of minor sins, and in the case of mortal sins etc. it must be settled to be much more. That which is said thus, "Therefore, a twice-born (person) who has contracted sin, shall once bathe in water, declare his sins to the Parṣats (*e*), and making a slight gift (to them) should (begin to) observe the penance," refers to the case of miscellaneous sins.

A suitable fee to be offered to the Parṣat.

807. The nature of the Parsat has been pointed out by MANU thus: "One who is well versed in the three Vedas, a Haituka, a logician, one who is well versed in Nirukta, one who has studied the Dharma-Śâstras, and persons belonging to the first three Âśramas,—(an assembly of these) not less than ten (is called) Parṣat" (XII. 111). A Haituka is one who has understood the real nature of the teachings of Mîmâṃsâ and the like (sciences), and a logician is he who has mastered the science of Nyâya.

A Parṣat consists of at least ten persons, learned and belonging to the first three Âśramas.

Similarly two other sorts of Parṣats have been pointed out by that (MANU) himself: "He who has mastered the Ṛigveda, he who has mastered the Yajurveda, and also he who has mastered the Sâmaveda are declared to be another (sort of) Parṣat in deciding doubtful points of Dharma" (XII. 112). Likewise, "Whatever even one who is well versed in the Vedas would with self-restraint decide as Dharma, that should be known to be the highest Dharma and not that which is dictated by the ignorant though tens of thousand (in strength)" (XII. 113). Of these (kinds of) Parṣats, the decision (with regard to the constitution is) according to the availability (of persons) or according to the (sins being) mortal sins etc.

Or of Vedic scholars.

Or of even one who is well versed in the Vedas and has self-restraint.

Constitution of Parsat according to availability, or the requirement of the nature of sin.

But (there is this) which has been stated in another Smṛiti: "In (case of ordinary) sins Parsat (is to consist of) one hundred, and one thousand in (the case of) mortal (sins) etc. And in minor sins, (it is to be) fifty, and (the number of it) is small when (the sin) is

The high or low nature of Parṣat according to the seriousness of the sin.

(*e*) S. reads *Vaktṛibhyaḥ*, to those who prescribe the penance.

likewise small." Even that tends (to establish) the high or low nature of the Parṣat in accordance with the sins, the mortal sins, etc., and is not (laid down) for the purpose of fixing a number, for that would involve a contradiction with the great Smṛitis, such as of MANU and others.

Similarly (a) special (rule) has been laid down by DEVALA also in 5 this (connection): "The Brâhmaṇas might decide a (form of) expiation, of their own accord, in cases where the sins are of a low nature; but with regard to the mortal ones, the king and also the Brâhmaṇas shall decide a well balanced (one)." 10

Fixing of penances for mortal sins requires the State approval.

808. The vow (of penance) should necessarily be prescribed by that Parṣat also, for says the text of AṄGIRAS thus: "Those Brâhmaṇas who, knowing the penances (suited to the sins), do not prescribe them for those who are distressed (with repentance) and seek (the prescription of penances at their 15 hands), attain an equality with those (sinners)." In the same way the vow (of penance) should be prescribed by that Parṣat, only after having looked into (the case) well, for says the text of VASIṢṬHA: "If one prescribes a penance without knowing the Dharma- 20 Śâstras, the expiator (of course) is purified (thereby), but the sin passes to the Parṣat."

The bounden duty of the Parṣat to prescribe a proper form of penance.

Those who prescribe penances must be well versed in the Dharma-Śâstras and judicious.

809. And with regard to the prescribing of (expiatory) Dharma in the case of Ksatriyas etc. who have contracted sin, a special (rule) has been pointed out by AṄGIRAS: "A 25 Brâhmaṇa shall, according as is just and without loss of time, prescribe (in the case) of a Kṣatriya who has contracted sin, every (necessary) penance excluding that (which is particularly referring) to a Brâhmâṇa. Similarly having met a Śûdra, who is always guided by Dharma a penance should be prescribed to him free from 30 meditative repetition (of the Mantras) and (making of) burnt offerings."

Brâhmaṇa's duty to prescribe penances to the other castes also.

810. And again in that (matter), to those who are habitually devoted to the performance of the sacrifices etc., meditative repetition (of the Mantras) etc. should be prescribed, while (in the case) of others, austerities 35 (causing bodily hardship). (It is said) thus: "If those who are devoted to the (performance of) religious deeds and are devoted to (the conducting of) austerities, would at any time contract sins, to those (penances consisting of) meditative repetition (of the Mantras) and (making of) burnt offerings are (to be) prescribed particularly. But 40 to those who are Brâhmaṇas but in name, (are) fools, and (are) devoid of wealth to such Kṛichchhras and ChâAll ndrâyaṇas shall particularly be prescribed."

The penance should be congenial to the temperament and habit in case of the good.

And causing bodily hardships in case of fools, etc.

THUS ENDS THE TOPIC ON OPEN PENANCES.

B.—THEN BEGINS THE TOPIC ON SECRET PENANCES.

SECTION XLIV.—SECRET PENANCES FOR MORTAL SINS.

811. Having described the group of vows (of penance) destroying the sins which have (also) been described, the sage (proceeds to) lay down (the penances) removing the various sins committed secretly. 5

With regard to that (mode of secret penance, the sage) first describes the feature common to all the secret vows (of penance):

CCCI. But he whose sin is not made known might observe secretly a vow (of penance suited to his case). 10

A secret penance might be performed when the offence is not known to others than those immediately concerned.

He whose sin is not known by people other than (persons) concerned in committing, might perform the penance secretly, (that is,) without disclosing (it). Thus it should be understood (that) in (such sins as) enjoying a woman (in a guilty manner) etc., the secret 15 vow (of penance) (holds good in the case) of him whose sin is not known by any one other than that (woman), she too being concerned in the act.

If he himself is not well versed in the Śâstras he might learn by inquiring on the pretext of another, or the like (means).

812. In this matter if the expiator is himself an adept in the Dharmaśâstras, then he need not let any other 20 know (of the sin), and observe a penance that is suited to his (sin that) occasions it. But when he is one who is not himself learned in it, then he should learn (on inquiry), on the pretext of some (indefinite person) as, 'If a (sin of) Brâhmaṇa-slaying or the like is committed 25 secretly by one, what is the secret penance (there)?', and observe (that very) secret vow (of penance).

Women and Śûdras might do the same.

For this very (reason), even (in the case) of women and Śûdras, as this very course of knowing (the form) of secret vows (of penance) is possible, they are (as well) 30 entitled (to the performance of such). And it should not be argued that as the meditative repetition (of the Mantras) etc. form the chief feature of the secret vows (of penance), women and Śûdras are not entitled to them inasmuch as they have not Vidyâs in them and cannot command that (meditative repetition of the Mantras etc.). For the 35 meditative repetition (of the Mantras) etc. do not exclusively form the chief feature of the secret vows (of penance), because even gift-making and the like have been ordained, and it is also possible that one might resort to (the performance of) Prâṇâyama etc. laid down by GAUTAMA. Also (in the case) of others it is only a thorough knowledge of the deities, the sages, 40 and the metres of the Mantras, and not any other fact, that is essential

to establish their right to it. Indeed an opposition (to one's right to the performance of an act which must necessarily be considered) with regard to Jyotiṣṭoma etc. is not necessarily (an argument) with reference to the construction of a water tank, etc. Only a thorough knowledge of the (Mantra) deities etc. is to be desired necessarily (here). For says the text of 5 VYÂSA, "But he who without having known the Ṛiṣi, the metre, the deity, and the purpose for which (the Mantra is used), would either study (it) or meditatively repeat (it), becomes a sinner."

Milk, one year, mountain, etc. where food, time, place etc. are not specified.

813. Even here, if a particular food is not specified, milk etc. (should be taken); if a particular (period of) time is not 10 specified, one year and the like; if a particular place is not specified, a mountain etc.; and these things laid down by GAUTAMA and others should be searched for as in the case of open penances.

814. Having thus laid down the features common to all the secret 15 penances, (the sage) goes on to describe the secret penances in the very order of mortal sins etc. as (he did in the case of) open penances:

If he is a Brâhmaṇa-slayer, for three days and nights he shall fast, meditatively repeat the Aghamarṣaṇa (Sûkta) 20

CCCII. In the midst of water, also make a gift of cow that yields milk, and is (thus purified).

A Brâhmaṇa-slayer shall observe three days' fast, meditatively repeat Aghamarṣaṇa Sûkta in the midst of water, and make a gift of a milch-cow.

Meditative repetition of Aghamarṣaṇa Sûkta thrice completely immersed in water for incest.

For three days he shall observe fast, meditatively repeat in the midst of water the Aghamarṣaṇa Sûkta, (that is, the Śûkta) discovered by the great sage AGHAMARṢAṆA, consist- 25 ing of three Ṛiks, beginning with *Ritaṃ cha satyaṃ cha* etc. (*f*), (set) in the Anuṣṭubh (metre), and having BHÂVAVṚITTA for its deity; and at the end of three days making a gift of a cow yielding milk, is (thus) purified a Brâhmaṇa-slayer. And the meditative re- 30 petition (of the Mantra) should be performed thrice by him having dived (completely) within water. Thus says SUMANTU: "He who (destroys an image symbol of) God or slays a Brâhmaṇa or a Guru, shall dive within water and repeat the Aghamarṣaṇa 35 Sûkta thrice. Having approached a mother or a sister, or having committed incest with a mother's sister, a daughter-in-law, a female friend, or any other woman (within the) prohibited (circle) he shall (meditatively) repeat the Aghamarṣaṇa (Sûkta) itself thrice inside water and becomes purified therefrom." 40

(*f*) Ṛigveda VIII. viii. 48.

815. And this refers to the (case where the) act is committed intentionally. And (there is) the (text) laid down by MANU, "And sixteen Prâṇâyâmas (performed) with Vyâhṛitis and Praṇava, if repeated daily purify a person in one month even though he has slain a Brâhmaṇa" (XI. 248), but that should be taken to refer to this very case where the sinner is not able to make a gift of a cow. But that, which by GAUTAMA after laying down a vow (of penance lasting for) thirty-six (days and) nights, is laid down thus, "That very vow (of penance shall be observed) in (the cases) of Brâhmaṇa-slaying, drinking Surâ, stealing (a Brâhmaṇa's) gold, and violating one's own Guru's bed along with Prâṇâyâmas, and having bathed (*g*) he shall meditatively repeat the Aghamarṣaṇa (Sûkta)" (III. vi. 9), refers to (the case of) a single slaying unintentionally. Next (there is this) laid down by BAUDHÂYANA: "Going forth from the village in an easterly or northerly direction (III. ix. 4), he shall bathe; and being pure and dressed in pure raiments, he shall, close to the water, (raise) a mound (and) besmear (it with cow-dung), moisten his clothes by one (application of water), shall purify his hand with cow-dung, turn towards the sun, and recite the Aghamarṣaṇa (Sûkta belonging) to his own branch of the Veda (*h*) (III. v. 2) to the extent of one hundred (times) in the morning, one hundred (times) in the middle part of the day, and one hundred (times) in the evening (*i*) (III. v. 3), and when the stars rise he might partake of one handful of barley-gruel (III. v. 4). In seven (days and) nights he is freed from all minor sins whether committed intentionally or committed unintentionally; in twelve (days and) nights from the mortal sins excluding a Brâhmaṇa-slaying, drinking of liquor, and stealing of (Brâhmaṇa's) gold, (III. v. 5). And in twenty-one (days and) nights he overcomes even those (sins)" (III. v. 6). This refers to (the case of) an intentional act, or refers to (the case of) an unintentional (act of) slaying a Śrotriya, an Âchârya, or one engaged in (performing) a sacrifice.

Next (there is this text of) MANU which says, "Or purifying himself with three Parâkas, he shall in a forest, being pure, recite thrice the Saṃhitâ of the Veda, and is (thus) purified from all sins" (XI. 258), and it refers to an

Sixteen Prâṇâyâmas a day for one month for Brâhmana-slaughter.

A penance lasting for thirty-six days etc. for each of the mortal sins.

Prâṇâyâmas and repetition of Aghamarṣaṇa Sûkta.

Aghamarṣaṇa Sûkta 300 times a day.

Only one handful of barley-gruel in the evening.

Seven days for minor sins; twelve for any of the last two mortal sins; and twenty-one for Brâhmaṇa-slaying etc.

Three Parâkas and three repetition of Saṃhitâ in the forests for slaying a Srotriya.

(*g*) All the editions have the reading *snâtaḥ*, bathed. The commentary of HARADATTA points to the reading *Śrântaḥ*, tired.

(*h*) Buhler has the curious expression, "recite the Aghamarṣaṇa hymn (in the manner of his daily) private recitation."

(*i*) Buhler has "(Let him repeat it) one hundred times in the morning, one hundred times at midday, and one hundred times or an unlimited number of times in the afternoon."

unintentional (i) slaying of a Śrotriya etc., or to a (case of) intentional repetition with reference to the killing of (Brâhmaṇas of) other (sort).

Further (there is the text) of) BṚIHAD-VIṢṆU which says, "Having committed a Brâhmaṇa-slaying, he shall go towards the west or the north of the village, kindle the fire 5 with a large (quantity of) firewood, and make one thousand and eight burnt offerings, with the Aghamarṣaṇa (Sûkta), of ghee, and he is then purified by this (process)," and it refers to (the case of) slaying (a Brâhmaṇa) who has no qualities (to boot), or refers to the (case of one) who supports (the crime). 10

1008 offerings of ghee with Aghamarṣaṇa Sûkta when the Brâhmaṇa slain is devoid of qualities.

Also (there is the text) which is laid down by YAMA, "And setting (his mind upon purification), he shall fast for three days (and nights), go to water (for bathing during) three days, and meditatively repeat Aghamarṣaṇa (Sûkta) thrice, and is (thus) purified from all sins," and that 15 refers to the case where a slayer of (good) qualities has slain one who has no qualities (to boot), or to an abettor or him who permits.

Three days' fasting and Aghamarṣaṇa repetition when a good man kills a worthless one; for an abettor also.

And (there is the text) which is laid down by HÂRÎTA, "When one is affected by one of these, the mortal sins, heinous 20 sins, high sins, and minors sins, he shall meditatively repeat the Aghamarṣaṇa (Sûkta) itself thrice," and that refers to the case of one who influences the sin.

Three repetitions of Aghamarṣaṇa Sûkta for influencing the sin.

In the same way, even other Smṛiti texts are to be gathered and decided to (apply to) these very cases, and they are 25 not given here for fear of increasing the bulk of the work. And this very group of vows (of penance) should be observed a fourth part less for killing a woman, a Kṣatriya, or a Vaiśya (every one of them) engaged in (performing) a sacrifice, of an Âtreyî, of the wife of an Âhitâgni, of a pregnant 30 woman, and the contents of the womb (whose sex) is unknown.

These very penances to be adjusted according to propriety.

816. (The sage) now speaks of a different penance:

Otherwise with (the formulas) *Lomabhyaḥ Svâhâ* etc., subsisting on air for one day,

CCCIII. After having stayed in water, he shall 35 make forty burnt offerings of ghee.

Otherwise, having fasted for one day and night and having stayed in water during the whole night and coming out of the water when (it is) morning, he shall make forty burnt offerings of ghee with the eight formulas 40 *Lomabhyaḥ Svâhâ etc.* at the rate of five offerings with each (formula).

Or fasting for one day, staying in water for the whole night, and offering 40 burnt offerings.

(ii) S. has 'intentionally' which seems to be a mistake.

And this refers to the same case as the above said, for staying in water involves much of exertion (to the body)

817. (The sage) lays down penances for drinking Surâ, (a sin) occurring in the order (of enumeration):

Having fasted for three (days and) nights and making the burnt offering of ghee with the Kûṣmâṇḍi (Mantras) (one becomes) pure. 5

Three days' fast and forty burnt offerings of ghee for drinking liquor.

He who drinks Surâ (the expression) "forty burnt offerings of ghee" repeats itself – shall fast for three (days and) nights, is purified by making forty burnt offerings (of ghee) 10 with Kûṣmâṇḍî (Mantras), that is, (the) Ṛiks *Yad devâ devahedanam etc.*, discovered by KÛṢMÂṆḌA, set in Anuṣṭubh metre, and accompanied by the deities for whom (they are) sacred. Likewise, it has been stated by BAUDHÂYANA also thus: "Then, he who considers himself certainly impure, shall make burnt offer- 15 ings reciting Kûṣmâṇḍîs (III. vii. 1). And thereby he is freed from all sins short of slaying a learned Brâhmaṇa (III. vii. 3), (and from the sin of) having discharged his semen in a place other than a womb when not during sleep" (III. vii. 4). And (there is this) which (is stated) by MANU, "Even one who has drunk Surâ is purified by meditatively repeating (the Mantra), 20

Or meditative repetition of certain Mantras 16 times a day for one month.

Apa etc. discovered by KUTSA, the Ṛik *Prati etc.* discovered by VASIṢṬHA, and also Mâhitra and Suddhavatî hymns" (XI. 249), and in which (text) a meditative repetition sixteen times of one of the following, "*Apa naḥ śośuchad agham etc.* (*j*), *Pratistomebhir uṣasam* 25 *Vasiṣṭhâh etc.* (*k*), *Mahitrîṇâmavo astu etc.* (*l*), and *Eto anu Indram stavâma etc.* (*m*), is laid down, and that should be understood to refer to one who is unable to perform the Kûṣmâṇḍa Homa.

818. And this should be understood to (refer to the case of) having drunk Paiṣṭî only once, or also for having repeatedly 30 drunk Gaudî and Mâdhvî. Also (there is this),

Repetition of certain Mantras and making burnt offerings of ghee for one year for excessive drinking.

"That twice-born (person) by (making) burnt offerings of ghee for one year reciting the Mantras used in Śâkala-Homa, or having meditatively repeated the Ṛik *Namaḥ etc.* removes that sin which is though excessive" 35 (XI. 256), (in) which it is ordained by MANU (that) for one year burnt offerings (are to be made) every day with the eight Mantras beginning with "*Devakṛitasya enasaḥ etc.*" or a meditative repetition of the Ṛik beginning with "*Nama ityugraṃ nama âvivâse*" (*n*). That refers to the (case

(*j*) Ṛig I. vii. 5.
(*k*) Ṛig V. v. 27. 1.
(*l*) Ṛig VIII. viii. 48. 1.
(*m*) Ṛig VI. vi. 31. 2.
(*n*) Ṛig IV. viii. 12. 3.

of an act) committed intentionally. And (there is also this) which (says), "He who is affected by mortal sins shall follow the cows, shall with self-restraint for one year, (meditatively) repeat Pâvamânîs and subsist on what is collected by alms, and (is thus) purified" (o), and that refers to the (case of) repetition, or refers to the (case of) one who is (affected) by a number of mortal sins. 5

Following cows for one year etc. for being affected by a number of mortal sins.

819. (The sage now) lays down the penance for stealing (a Brâhmaṇa's) gold :

CCCIV. He who steals a Brâhmaṇa's gold shall stand in the midst of water, and meditatively repeat the Rudra (Mantras) (and is purified thereby). 10

Next he who has stolen the gold of a Brâhmaṇa shall observe fast for three days, and by meditatively repeating the hundred Rudras beginning with *Namaste Rudra manyave etc.* standing in the midst of water, is purified. 15

Meditative repetition of the Rudra in the midst of water for stealing a Brâhmaṇa's gold.

820. A special (rule) has bean laid down by ŚÂTÂTAPA in this (connection) thus, "Having drunk spirituous liquor, having had sexual connection with the wife of a Guru, having stolen (the) gold of a Brâhmaṇa, and having slain a Brâhmaṇa, one who besmears (his body) with ashes, lies down on a bed of ashes, and meditatively repeats the Rudra chapter, is freed from all (traces of) sin." 20

Besmearing the body with ashes, lying on ashes and meditatively repeating Rudra also prescribed.

The meditative repetition (of the Mantra) shall be done eleven times, for says the text of ATRI, "He who knows Dharma shall (meditatively) repeat even eleven times the Rudra (Mantras) and is freed (from all sins) though he had been affected by mortal sins too, and there is no doubt about it." 25

Rudra to be repeated eleven times.

Also (there is this) which (is laid down) by MANU, "Having once meditatively repeated Asyavâmîya (Sûkta) or even Siva-Saṅkalpa, one becomes free from sin in a moment even if he had stolen (a) Brâhmaṇa's gold" (XI. 250). Thus a single meditative recital of the Sûkta *Asyavâmasya patitasya etc.* (p) consisting of fifty-two Ṛiks, and likewise of (the Sûkta) *Yajjâgrato dûram udaitu devam etc.* occurring in the Siva-Saṅkalpa (section) and consisting of six Ṛiks (q), has been laid down, and it refers to the case where one who has (excellent) qualities has stolen the gold belonging to one who is extremely wanting in good qualities. Or it refers to (the case of one stealing) a quantity (of gold) less than one Suvarṇa, or to a supporter or abettor (of the act). And (in a case) 30 35 40

Asyavâmîya meditative repetition or Siva-Saṅkalpa also prescribed.

(o) MANU XI. 257.

(p) Rig. II. iii. 14—23.

(q) This occurs, says KULLÛKA, in the Vâjasaneya Saṃhitâ.

where (the act is) repeated, what is laid down in (the text), "He who is affected by mortal sins shall follow the cows *etc.*" (MANU XI. 257), should be understood to hold good.

821. (The sage now) lays down a penance for violating one's own Guru's bed, (a sin) coming in in the order (of mention) : 5

A violator of his Guru's bed who meditatively repeats *Sahasra-śîrṣâ etc.* is freed (from his sin),

CCCV. At the end of observing this (expiatory) act a cow yielding milk should be given in gift by each of these (sinners). 10

And a violator of his Guru's bed is freed from that sin by meditatively repeating *Sahasra-śîrṣâ etc.* (*qq*), a Sûkta consisting of sixteen Ṛiks, discovered by (the sage) NÂRÂYAṆA, sacred to PURUṢA deity, and set in Anuṣṭubh metre, the last (verse) being in Triṣṭubh (metre). In (the word) *Sahasra-śîrṣâjâpî*, ('one who meditatively repeats *Sahasra śîrṣâ etc.*,'), the termination is indicative of Tâchchhîlya ('a habitual adherence to it'), and, therefore, that it should be repeated is inferred. If it is desired (to know) what number of times should the repetition be, the number forty occurring in a closely preceding stanza is taken. Even here (the expression), "Having fasted for three (days and) nights" occurring in the above stanza is syntactically connected. It is verily therefore that BṚIHAD-VIṢṆU (says) thus: "A violator of his Guru's bed might purify himself by meditatively repeating, and making burnt offerings with Puruṣa-Sûkta having fasted for three (days and) nights." And by these sinners, (that is,) these three (sinners), he who drinks Surâ, he who steals one Suvarṇa (of Brâhmaṇa's gold), and he who violates his Guru's bed, should in each case at the end of observing the vow of fasting for three (days and) nights, a cow yielding large quantities of milk should be given in gift. 15 20 25 30

Three days' fasting and repeating meditatively Puruṣa-Sûkta forty times for violating one's own Guru's bed.

Gift of a milch-cow at the end of three days.

822. This refers to the case (where the act is committed) unintentionally. Also by (the text of) MANU which says, "He who has violated his Guru's bed, is freed (from his sin) by meditatively repeating *Haviṣpântam etc.*, or *Na tamam ho etc.*, or *Iti etc.*, or even the Puruṣa-Sûkta" (XI. 251), a meditative repetition of one of the following, *Haviṣpântam ajaram svarvid etc.* (*qqq*) *Na tamam ho na duritam* (*qqqq*), *Iti vâ iti me manaḥ* (*r*), 35

Other Mantras to be meditatively repeated.

(qq) Rigveda VIII. iv. 17—19.
(qqq) Rig. VIII. iv. 10. 1.
(qqqq) Rig. II. vi. 29. 5.
(r) Rig. VIII, vi. 26. 1.

and *Sahasraśîrṣâ* (s), sixteen times each, every day for one month, and even that does refer to (the case of) an unintentional act itself. But where (it is done) intentionally, that which has been laid down by MANU is, "......... reciting the Mantras used for Śâkala-Homas *etc.*" (XI. 256), should be understood (to hold good). 5

Śâkala Mantras for intentional incest.

(There is) also (this) which is laid down in the Ṣaṭtriṃśanmata, "Burnt offerings, one thousand in number, of sesamum shall be made to the accompaniment of Mahâ-Vyâhṛitis by a twice-born (person), for the purpose of being purified from minor sins. (And) he who is affected by a mortal sin is purified by one hundred thousand of (such) burnt offerings," and that refers to the case where (the act) is repeated. 10

Burnt offerings with sesamum,—1000 for minor sins, and 100,000 for mortal sins.

And (there is this) which is laid down by YAMA, "Or he may meditatively repeat the *Asya vâmasya etc.* (Sûkta), or even the Ṛiks sacred to PAVAMÂNA, or Kuntâpa, (Mantras) discovered by Vâlakhilyas, or *Nivitpraiṣa etc.* or what is called Vṛiṣâkapi, or *Hotṛi etc.*, or the Rudra (Mantras) once, and one is purified from all sins." But that refers to (the case of) having sexual connection with an adulteress. 15 20

Asyavâmasya etc. for carnal knowledge of an adulteress.

823. Next, whatever (are the sins) denoted by the terms heinous sins and minor sins which are objects to which (the penance of) violating one's own Guru's bed is extended, or which are equal to it, in those cases (the same penances) a quarter less and half less should be understood respectively (to hold good). Or what is thus laid down by HÂRÎTA, "When (one is affected by) one of these, an ordinary sin, a heinous sin, a minor sin, and a mortal sin, or by a combination of them, Aghamarṣaṇa (Sûkta) itself shall be meditatively repeated thrice", should be understood (to hold good). 25 30

Extension of these penances to cases equal to violating of one's own Guru's bed.

824. Even for one who has had contact with him who has committed a mortal sin, according to the text, "He shall perform the same vow (of penance) as he, (of whom he has had the contact)," the penance is the same as for him with whom he has had the contact. 35

The same for cases of contact with mortal sinners.

825. Nor should it be said that, with regard to this (secret penance), as the contact sin in the matter of teaching the Vedas etc., is contracted by (a union of) several active agents, secrecy cannot possibly occur. For, although it is involving of several active agents, yet secrecy is possible, as in the case of adultery with another's wife, only if 40

Secret penances possible even where contact sin arises through teaching the Veda etc.

(s) Rig. VIII. iv. 17—19.

it is not known to a third etc. person who is other than those actively engaged (in the act). Hence secret penances do certainly come in.

In the same way, it should be understood, that even (in the case) of one who has committed a heinous sin, the penance is the same as for him (with whom he is in contact). 5

Thus ends the Topic on Secret Penances for Mortal Sins.

SECTION XLV.—SECRET PENANCES FOR MINOR SINS.

826. (The sage now) lays down the penances for fifty-six minor sins, cow-slaughter etc., as (they) come in the order (of mention):

One hundred Prâṇâyâmas shall be performed for 10 being freed from all sins

CCCVI. And from any (sin mentioned in the midst) of the group of minor sins for which (a separate penance) has not been prescribed.

One hundred Prâṇâyâmas where separate secret penances have not been laid down.

For the purpose of being freed from (any one of) the group of fifty- 15 six minor sins, cow-slaughter, etc., and all sins causing the loss of caste etc. for which (separate) secret penances have not been ordained, one hundred Prâṇâyâmas shall be performed. And likewise for the purpose of being freed from all sins, from the mortal sins down to 20 the miscellaneous ones, Prâṇâyâmas shall be performed.

Prâṇâyâmas, 400 for mortal sins, 300 for heinous sins, 200 for high sins.

827. And in that (matter of performing the Prâṇâyâmas), the number should be augmented thus, four hundred in the (case of) mortal sins, three hundred in the (case of) heinous sins, and two hundred in the (case of) high 25 sins, and it is noticed that in the (case of) minor sins for which open penances have been laid down, a fourth part of the penances (prescribed) for mortal sins is ordained. And a diminution of the penance should be done in the (case of) miscellaneous (sins). It is with this very 30 view (that it) has been stated by YAMA thus: "By (performing) four hundred Prâṇâyâmas attended by ten Praṇavas, (one is) freed from the (sin of) Brâhmaṇa-slaying, and need it be said from the other sins (also)?"

A less number for miscellaneous sins.

YAMA's authority for the above.

Prâṇâyâmas,—3 for sins of speech, eye, etc.

828. A special (rule has been) laid down by BAUDHÂYANA also in 35 this connection: "If one commits sin through speech, eye, ear, skin, nose, and mind, he is purified by three Prâṇâyâmas. For committing adultery with

a Śûdra woman or eating a Śûdra's food, he shall in each case perform seven Prâṇâyâmas (daily) for seven days. For partaking of any forbidden hard food or forbidden soft food, or impure substance, likewise for dealing in forbidden goods excepting Madhu, flesh, ghee, 5 oil, lac, salt, articles of taste, and food, or for whatever other (sins) that are thus pointed out he shall perform twelve Prâṇâyâmas in each case (daily) for twelve days. Next, excluding (ordinary) sins and minor sins, whatever else is thus pointed out in those 10 cases one shall (daily) perform for half a month twelve Prâṇâyâmas in each case. Next excluding (mortal) sins and those that cause the loss of caste, whatever else are thus pointed out, (in those cases) one shall (daily) perform, for one month, twelve 15 Prâṇâyâmas in each case. Next excluding (mortal) sins whatever else is thus pointed out, (in those cases) one shall (daily) perform, for six months, twelve Prâṇâyâmas in each case. (And) next in the case of (mortal) sins, one shall (daily) perform twelve Prâṇâyâmas for one year in each case" 20 (IV. i. 5--11) (*t*).

Daily 7 for 7 days for adultery with a Śûdra woman or for eating Śûdra's food.

Daily 12 for 12 days for eating forbidden food, dealing in forbidden goods, etc.

Daily 12 for 15 days for sins other than ordinary sins and minor sins.

Daily 12 for one month for sins excluding mortal sins and those causing loss of caste.

12 daily for 6 months for sins other than mortal sins.

12 daily for one year for mortal sins.

In the above, the three Prâṇâyâmas laid down as, "[If he commits sin through] speech, eye, *etc.*" is intended to refer to miscellaneous (sins). Forty-nine Prâṇâyâmas laid down as, "For committing adultery with a 25 Śûdra woman or eating a Śûdra's food *etc.*," are intended to (refer to) particular (varieties of) minor sins. Similarly one hundred and forty-four Prâṇâyâmas also laid down as, "For partaking of any forbidden hard food or forbidden soft food *etc.*," are also 30 intended to (refer to) particular (other varieties of) minor sins. One hundred and eighty Prâṇâyâmas laid down as, "Next, excluding (mortal) sins and minor sins *etc.*," are intended to (refer to sins) causing the loss of caste. Three hundred and sixty Prâṇâyâmas laid down as, 35 "Next excluding (mortal) sins and those that cause the loss of caste *etc.*," are intended to (refer to) minor sins, killing of a cow, etc. Two thousand, one (*u*) hundred, and sixty Prâṇâyâmas laid down as, "Next excluding (mortal) sins *etc.*," are intended

3 for miscellaneous minor sins (each).

49 for particular minor sins (each).

144 for certain other minor sins (each).

180 for sins causing loss of caste.

360 for killing a cow, or the like.

2160 for heinous sins (each).

(*t*) G., N., S., and D. all contain bad readings in one part or other of this passage. With the help of all these four a reading of which this is the translation has been settled to suit the explanation that follows.

(*u*) G. and N. adopt the reading *dviśata*, two hundred. But how can 180 times 12 be 2160 ? S. has *ekaśata* one hundred, and D. *śata*, one hundred.

to (refer to) heinous sins and high sins. And four thousand, three hundred and twenty Prâṇâyâmas laid down as, "[And] next in the case of (mortal) sins *etc.*," are intended to (refer to) mortal sins.

4320 for mortal sins (each).

And this group of five penances laid down in, "For partaking of any forbidden hard food or forbidden soft food *etc.*" and the like texts, refer to (the case where) the sins are excessively repeated, or to the case where there is a combination of more than one (sin). 5

Certain meditative repetitions for repetitions or accumulations of sins.

(There is this) which (has been laid down thus) by MANU, "One who intends to make an expiation for sins (of a) gross or light (nature), shall for one year meditatively repeat the Ṛik, *Ava etc.*, *Yat kiñcha edam* (etc.), or *Iti* etc." (XI. 252). Thus at hours undisturbed by any other purpose, a meditative repetition for one year of the Ṛiks, *Avatehelo Varuṇa etc.* (*v*), *Yat kiñcha edam etc.* (*w*), and *Iti vâ iti me manaḥ etc.* (*x*) is prescribed, and even that refers to the (case of) repetition (of the sins). 10 15

829. (The sage now) lays down an exception to one hundred Prâṇâyâmas that come in in general for all minor sins :

One shall sanctifying (it) with (the syllable) "Om," drink the juice of the Soma plant which is a purifying agent 20

CCCVII. When (he, being) the best of the twice-born (classes), has indeed, swallowed semen, fæces, or urine.

A twice-born (person), when he has swallowed semen, fæces, or urine, shall drink the juice of the Soma (*y*) creeper which is an agent bringing about purification, having sanctified it with the syllable "Om." 25

Partaking of Soma for swallowing semen, fæces, or urine.

830. And this refers to the case of committing (the act) unintentionally. But where it is committed intentionally, (the penance) has been laid down by SUMANTU thus: "Having swallowed semen, fæces, or urine, having partaken of garlic, onions, turnips, Kumbhikâ, etc. and also having partaken of other forbidden food-stuffs (similar to these), or having partaken of the flesh of swans, village-fowl, dog, jackal, and the like, one shall get into the water deep (enough to reach his) neck, perform Prâṇâyâma reciting Śuddhavatî Mantras, drink water reciting Mahâ-Vyâhṛitis till it reaches his chest region, and is thus purified from that (sin)." 30 35

Prâṇâyâma in water, drinking of water with Mahâ-Vyâhṛitis, etc. if the above is intentional.

(*v*) Rig. I. ii. **15**. 4.

(*w*) Rig. V. vi. **11**. 5.

(*x*) Rig. VIII. vi. **26**. 1.

(*y*) Sarcostema Viminalis or Asclepias Acida.

A different penance has been mentioned by MANU also with reference to the eating of seven sorts of forbidden food: "Having accepted a gift of what should not be accepted, or having partaken of forbidden food, a man by meditatively repeating (the Mantra) *Taratsamandî etc.* (z) is purified in three days" (XI. 253). What should not be accepted (in gift) are poison, weapon, Surâ, etc. or the materials of gifts (offered) by those who have suffered degradation (from caste) and the like (persons). 5

Meditative repetition of *Taratsamandî* Mantra for partaking of certain forbidden things or accepting of certain forbidden gifts.

And when one voids semen, fæces, urine, and the like bodily filth in water (the penance which should be performed) even then has been thus stated by that very (authority): "Having done undesirable things in water one shall spend one month subsisting on what is collected by alms" (XI. 255). 10

Living on alms for one month for committing nuisance in water.

SECTION XLVI.—SECRET PENANCES FOR SUNDRY OTHER SINS. 15

831. (The sage now) lays down a penance for miscellaneous sins and also for mental etc. minor sins committed unconsciously:

Whether during the night or during the day whatever (sin) is committed unconsciously, 20

CCCVIII. All that is destroyed by performing the Sandhyâs laid down (to be performed) three times (a day).

Whether during the (time of) night or during daytime, whatever miscellaneous sins or minor sins belonging to the mind or speech are committed unconsciously, all of them are destroyed by performing the obligatory rite of Sandhyâ, which is ordained (to be performed) three times a day, at morning, at noon, etc. Just so (has) YAMA: "Whatever sin one commits during the daytime by act, thought, and word, (all) that he destroys by (performing) Prâṇâyâmas when he sits to perform the evening Sandhyâ." It is stated thus by ŚÂTÂTAPA also: "Sandhyâ performed outside (the village) purifies (one from the sin of) (uttering) falsehood, smelling of spirituous liquors, even sexual connection during the day, and eating the food of a Vṛiṣala as well." 25 30 35

Regular performance of Sandhyâ removes all unconscious sins of mind, speech, and act.

Sandhyâ removes sin of smelling spirituous liquor, eating Vṛiṣala's food, etc. if performed outside the village.

(z) Rig. VII. i. 15. 1-3.

SECTION XLVII.—MANTRAS PURIFYING ONE FROM ALL SINS.

832. Then (the sage) mentions the Mantras purifying in common all the mortal sins etc.:

A meditative repetition of Śukriya and Âraṇyaka, and of Gâyatrî, etc. particularly, 5

CCCIX. And likewise the eleven (Anuvâkas) of Rudra, these indeed remove all sins.

Meditative repetition if Śukriya and Âraṇyaka removes even mortal sins.

What is termed Śukriya is a particular Âraṇyaka occurring in the Vâjasaneya Saṃhitâ, and begins with *Viśvâni deva savitaḥ*; and Âraṇyaka (a) begins with *Ṛichaṃ vâchaṃ prapadye mano yajuḥ prapadye*, and occurs there alone. A meditative repetition of these two (Mantras) is removing of all mortal and other sins. 10

Meditative repetition of Gâyatrî, if 100,000 times destroys a mortal sin; if 10,000 times heinous and high sins; if 1,000 times a minor sin; and 100 times one of miscellaneous sins.

833. Similarly a meditative repetition of Gâyatrî (performed) in this particular manner, (namely,) one hundred thousand (times) in (the case of) mortal sins, ten thousand (times) in (the case of) heinous sins and high sins, (b), one thousand (times) in (the case of) minor sins, and one hundred (times) in (the case of) miscellaneous sins, is destroying of all sin. Just so with reference to Gâyatrî, the following praise has been stated by ŚAṄKHA: "Sâvitrî, when she is meditatively repeated one hundred times, is (capable of) destroying sins committed excessively (c), and when meditatively repeated one thousand times likewise does free one from (minor) sins. By a meditative repetition of ten thousand times likewise she destroys all the sins, but when meditatively repeated one hundred thousand times she destroys mortal sins. A Brâhmaṇa who has stolen a Suvarṇa (of Brâhmaṇa's gold), a slayer of a Brâhmaṇa, one who has violated his Guru's bed, and one who has drunk Surâ, are (all) purified by meditatively repeating her one hundred thousand (times), and there is no doubt about it." But (there is this) which is stated in the Ṣaṭtriṃśanmata, "But he 15 20 25 30

Another praise of Gâyatrî by ŚAṄKHA.

(a) G., N., and S. have *cha yajuḥ* extra after *Âraṇyaka*. This is not needed and D. omits it.

(b) G., N., and S. all adopt the reading *Upapâtaka*, minor sin, here. It can clearly be seen that it is an inconsistent repetition. We follow D. in deciding the present reading of *Anupâtaka*, high sin.

(c) The original has *Mahâpâtaka*, which though is capable of being rendered as mortal sin, is translated as 'sins committed excessively' considering the way in which VIJÑÂNEŚVARA uses this text to support his argument.

who would meditatively repeat Gâyatrî ten million (times), removes the sin of slaying a Brâhmaṇa, while he who repeats it eight million (times) is freed from (the sin of) drinking Surâ. Seven million (meditative repetition) of Gâyatrî purifies a thief of (Brâhmaṇa's) gold, 5 and by six million (meditative repetitions) of Gâyatrî he who violates the bed of (his) Guru is freed (from his sin)." That (penance) being excessive refers to (the case) when (the sin has become) an open one.

Gâyatrî meditatively repeated 10 million times removes an open Brâhmaṇa-slaughter, and proportionately for other mortal sins.

834. And likewise Rudraikâdaśinî also—*Rudraikâdaśinî* (the term 10 which the original has to mean 'the eleven Anuvâkas of Rudra') is a collection of the eleven Anuvâkas of Rudra—particularly repeated in a meditative manner, is (capable of) removing all sin. In the text, "One who is an adept in the knowledge of Dharma having 15 (meditatively) repeated the Rudra (Mantras) even eleven times, is freed from the mortal sins and there is no doubt about it," as a repetition (of it) eleven times is pointed out with reference to mortal sins, it should be taken a quarter and quarter less and applied to the heinous sins and so on.

11 Anuvâkas of Rudra remove even mortal sins if meditatively repeated.

835. The word *cha* ('etc.') (in the original) is intended (to express) the 20 Aghamarṣaṇa (Sûkta) and the like as well. Thus says VASIṢṬHA: "I shall next mention (the Mantras) that are most sacred in all the Vedas by meditative repetitions of, and making burnt offerings with, which (the sinners) are purified from their sin. There is no doubt in this case. Aghamarṣaṇa (*d*), 25 Devakṛita (*e*), Śuddhavatîs (*f*), Taratsama (Mantras) (*g*), Kûṣmâṇḍî (Mantras) (*h*), Pâvamânîs (*i*), Durgâ (Mantras) (*j*), and then Sâvitrî (Mantras) (*k*), Abhîṣaṅgas (*l*), Padastomas (*m*), the Sâmans (*n*), Vyâhṛitîs (*o*) likewise, Bhâradaṇḍa Sâmans (*p*), Gâyatra (*q*), Raivata (*r*), likewise

Several other Mantras prescribed by VASIṢṬHA.

(*d*) Some editions explain these in a foot-note which is worth noticing here: Aghamarṣaṇa Sûkta is *Ṛitaṃ cha satyaṃ cha etc.* (Rig. VIII. viii. **48**—3) Ṛiks.

(*e*) The Ṛik *Deva-kṛitasyenasaḥ etc.*

(*f*) *Eto anu Indraṃ stavâma etc.* (Rig. VII. v. **37**)—4 Ṛiks.

(*g*) *Taratsamandî etc.* (Rig. VII. i. **15**)—3 Ṛiks.

(*h*) *Yad devâ devahedanam etc.*

(*i*) Four chapters of the Ṛigveda beginning with *Svâdiṣṭhayâ madiṣṭhayâ etc.* (Rig. VI. vii. **16**. 1).

(*j*) The Sûkta beginning with *Jâtavedase etc.* (Ṛig. I. vii. **7**. 1).

(*k*) The Ṛiks beginning with *Devasya tvâ etc.*

(*l*) Certain Mantras known as such.

(*m*) *Utso devâ hiraṇyayâ etc.*

(*n*) That is, Sâmans of an ordinary nature.

(*o*) *Bhûr agnaye cha pṛithivyai cha etc.*

(*p*) Bhâradaṇḍa Sâmans are *Agna âyâhi etc.*

(*q*) Gâyatra is a particular part of Sâmans.

(*r*) *Revatîr na sadhamâda etc.* (Rig. I. ii. **30**. 3).

Puruṣavrata (*s*), Bhâra (*t*), Devavratas (*u*) likewise, Artviga (*v*), Bârhaspatya (*w*), Vâksûkta (*x*), and likewise Madhu-Ṛiks (*y*), Śata-Rudrîya (*z*), Atharvaśiras (*a*), Trisuparṇa (*b*), Mahâvrata (*c*), Go-Sûkta (*d*), Aśva-Sûkta (*e*), the two Indra-Śuddha-Sâmans (*f*), the three Mantras Âjyadeha (*g*), etc., Rathantara (*h*), Agnervrata (Mantra) (*i*), Vâma-devya (*j*), and Bṛihat 5 (*k*). These Mantras, being sung, free the living beings (*l*) (from the sins), and if one (so) desires, he acquires a capacity of enabling him to remember his (previous) births" (XXVIII. 10-5).

SECTION XLVIII.—SOME CONCLUDING REMARKS ON SECRET PENANCES. 10

836. And next:

In whatever (sins) a twice-born (person) considers himself involved,

CCCX. In all those (cases) burnt offerings shall be made with sesamum to the (repetition of) Gâyatrî, and likewise a Vâchana thereof. 15

In whatever (sins), Brâhmaṇa-slaying etc., a twice-born (person) considers himself involved, (that is,) affected by the group of sins consequent upon those acts, in all those cases burnt offerings of sesamum should be 20 made reciting Gâyatrî.

Burnt offering with sesamum to the repetition of Gâyatrî is a general secret penance for all sins.

And in (doing) so, burnt offerings, one hundred thousand in number, should be made in the (case of) mortal sins, for says the text of YAMA, " By

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(*s*) *Vaiśvânaraṃ etc.* (Rig. III. i. 26. 1).
(*t*) *Agne vratapate etc.*
(*u*) *Anṛitât satyam upaimi etc.*
(*v*) Ṛitvigbhreṣa Mantras, noticed by BAUDHÂYANA.
(*w*) *Bṛihaspate prathamaṃ vâcho etc.* (Rig. VIII. ii. 23. 1—9).
(*x*) *Oṣṭhâpidhânâ etc.*
(*y*) *Madhuvâtâ etc.* (Rig. I. vi. 18. 1).
(*z*) *Namaste Rudra Manyave etc.*
(*a*) *Devâ ha vai svargam etc.*
(*b*) *Brahmam etu mâm etc.*
(*c*) *Atha mahâ-vratam etc.*
(*d*) *Âgâvo agman etc.* (Rig. IV. vi. 25. 1).
(*e*) *Ayante astu haryate etc.* (Rig. III. iii. 8. 1).
(*f*) The first two beginning with *Indrâya sâma gâyata etc.* (Rig. VI. vii. 1. 1).
(*g*) *Âjyadeham etc.*
(*h*) A particular portion of Sâman.
(*i*) *Agnervrata?*
(*j*) *Kayâ naschitra âbhavat etc.* (Rig. III. vi. 24. 1).
(*k*) Bṛihat-Sâman, a particular portion of Sâman.
(*l*) 'Living beings' here means men. See Tiryagadhikaraṇa in JAIMINI. VI. i. 4-5.

(making) one hundred thousand burnt offerings reciting Gâyatrî, one is freed from all sins." In the case of heinous sins and the like, it should be taken a quarter and quarter less.

837. And likewise, a Vâchana, (that is,) a gift, of sesamum should be made. Just so has VASIṢṬHA in connection with secret (penances): "And on the full moon day in the month of Vaiśâkha, one shall make a present of sesamum (grains), black or of any other (colour), along with honey, to seven or five Brâhmaṇas, saying 'May the god of virtue be pleased,' or whatever (wish) he may have in his mind. All the sin he might have committed during his (whole) life (time) is destroyed that very moment" (XXVIII. 18—19). 5 10

Gift of sesamum on the new moon day of Vaiśâkha destroys all sins.

Similarly a gift (of it) requiring no particularity of the occasion has been stated by that (VASIṢṬHA) himself: "And he who, placing sesamum (grains) along with gold, honey, and ghee on the skin of a black-spotted antelope, makes a gift (of it) to a Brâhmaṇa, gets over all the sin" (XXVIII. 21). 15

Or gift of sesamum with gold, honey, etc., at any time.

Likewise it has been stated by VYÂSA also, "He who being self-restrained makes a gift of a cow (made) of sesamum to a Brâhmaṇa is freed from the sins of having slain a Brâhmaṇa etc., and there is no doubt about it." 20

Gift of a cow made of sesamum removes the sin of Brâhmaṇa-slaughter.

These and the like gift-makings described in the topic on secret (penances) should be understood (to apply) to the twice-born persons who are not learned, and also to women and Śûdras. 25

These gifts are prescribed for the benefit of the illiterate women and Śûdras.

838. And (there is this) which is stated by YAMA, "He who makes a gift of sesamum, touches sesamum in the morning, eats (sesamum), bathes with (the paste of) sesamum, and makes burnt offerings of sesamum, crosses the (ocean of) sin." Similarly (there is this): "And on both the Aṣṭamî days of the month, and likewise the (two) Chaturdaśî days, the new moon day, the full moon day, the two Saptamîs, and the two Dvâdaśî (days), he who does not partake of food, regularly and with self-restraint, for one year, is liberated from all sins and also attains heaven." And (there is this) which (is) stated by ATRI: "(On the first Ekâdaśî day) in the month of Âṣâḍha HARI lies down on the bed of the Śeṣa-snake in the milk-ocean, and awakes from sleep (on the first Ekâdaśî day) in the month of Kârtika, and on those two (days) HARI should be worshipped. (He who does so) removes at once the sin of Brâhmaṇa-slaying etc." 30 35 40

Other uses of sesamum destroy sin equally.

Fasting on certain days as well.

Worshipping of HARI on the Ekâdaśî days of Âṣâḍha and Kârtika.

There are these and the like texts, and all such should be decided

(with regard to their application) considering their being committed intentionally, unintentionally, once, or repeatedly.

839. And more:

Him who is devoted to the study of the Vedas, him who is of an unruffled nature, and him who is given to 5 the performance of the five (Mahâ-) Yajñas

CCCXI. The sins though consequent upon (acts of) mortal sins, do not affect in this world.

Vedic study means studying, learning the meaning, revising, meditatively repeating, and teaching.

Him who is devoted to the study of the Vedas in the manner described thus, "First (there should be) the receiv- 10 ing of the Vedas, an enquiry (into their meaning next), revising (them again and again), meditative repetitions (of the Mantras further), and even the imparting of them to the disciples (last). Thus is the study of the Vedas, indeed, fivefold," him who is full of a forgiving 15 nature, and him who is given to the performance of the five Mahâ-Yajñas, sins, even though the results (of acts of) mortal sins, do not affect. And the idea to the effect, 'And *a fortiori* the sins resulting from miscellaneous acts, and also the minor sins resulting from 20 speech and thought (do not),' is signified from the word *api* ('though').

Him who has Vedic study, is of a forgiving nature, etc. the sins do not affect.

840. And this refers to the (act) committed unintentionally. It is with this very view that by VASIṢṬHA, in speaking with reference to miscellaneous sins etc. thus, "If a hundred improper acts, with something more, 25 have been committed, and the (knowledge of the Veda) is retained, the fire of his (knowledge of the) Veda destroys all that sin, just as (common) fire consumes fuel" (XXVII. 1), it is stated as (follows): "Relying on the power of the Veda, one shall not be given to sinful acts, (for the sin of) an act incurred through 30 ignorance or mistake is destroyed (by the Veda) and not (the sin of) any other sort" (XXVII. 4).

Vedic knowledge destroys all unconscious sins.

But a Vedic scholar shall not be devoted to sinful acts.

841. And further:

Spending the daytime by subsisting on air, and spending the night (by standing) in water, he, having seen 35 the sun (next day),

CCCXII. Shall meditatively repeat one thousand (times) the Gâyatrî, and (is thus) purified from (all sins) excepting that of Brâhmaṇa-slaying.

He who fasting spends the day in a sitting posture and spends the night by staying in the midst of water, and, when the sun has risen the next day, meditatively repeats one thousand (times) the Gâyatrî, is freed from an aggregate (collection) of all the mortal sins with the exception of Brâhmaṇa-slaying. 5

Fasting, staying in water, meditatively repeating Gâyatrî 1000 times, etc. remove all sins save that of Brâhmaṇa-slaughter.

842. And, therefore, it should be understood (that this holds good) with reference to minor sins (also) when they are repeatedly committed or when there is a conglomeration of more than one sin, for it is not justified to take things that are different in nature as equal. It is with this very 10 view that, by VṚIDDHA-VASIṢṬHA, certain particular vows (of penance) have been stated (to apply) to mortal sins and minor sins with reference to particular periods (of time). Thus he says: "One handful, or even an *Añjaliful*, of barley grains that is either being boiled, or is boiled, he shall sanctify by the Mantra, 'O Yava, thou art the 15 king of grains, art sacred to VARUṆA, dost contain Madhu in thee, and it is declared by the sages that thou art most pure and (cause) the removal of all sins;' or by (the Mantra) 'Barley (grains) are ghee, barley (grains) are honey, and barley (grains) are purifying (means) and nectar. May they 20 remove all my sins produced of my speech, thought, and bodily (movements).'" "He shall then perform the (necessary) rite in fire, and with that (boiled barley) make Bali offerings likewise to living beings. There is nothing more, he should offer no alms, nor offer hospitality with it, nor (even) leave out what is left." "But (repeating the Mantra), 'Those gods who are 25 born of the Mind, who are identified with the Mind, and who are right powerful (to remove the sins), and those manes who are powerful (to remove the sin),--may they protect us, may they defend us, obeisance to them, this is to them, Svâhâ!' he shall make an offering of it into himself. (Thus he shall do) for three (days and) nights for the increasing of Medhâ ('retentivity'), for three (days and) nights for the removal of sins, and for twelve 30 days in the (case of such sins as) Brâhmaṇa-slaying etc., and also he who is born to a Patita." As directed by this hint, even the other Smriti texts should be learnt with discrimination.

Eating with ceremony a handful of barley is productive of very good results.

THUS ENDS THE TOPIC ON SECRET PENANCES. 35

C.—THE DESCRIPTION OF THE PENANCES AND CONCLUSION.

SECTION XLIX.—THE DEFINITIONS OF PENANCES.

843. If it is anxiously desired to know the distinguishing feature of the various vows (of penance) prescribed, their definitions showing of what sort they are will now in brief be described. 40

With regard to that (matter) the sage first describes the features that form part of all the vows (of penances) open or secret :

Brahmacharya, mercifulness, forgiveness, gift-making, truthfulness, straightforwardness,

CCCXIII. Harmlessness, not misappropriating (of) another's property, sweenetss (of disposition), and self-restraint are declared to be Yamas. 5

Bathing, reservedness, fasting, sacrifice, studying of one's own (branch of the) Veda, controlling of genital organ,

CCCXIV. Rendering service to one's own Guru, purity, freedom from anger, and not committing of mistakes are Niyamas. 10

Yama and Niyama.

Brahmacharya is the subduing of all the organs. Controlling of genital organ is the curbing of the Linga ('genital organ'), and it is mentioned (here) after the manner of Go ('cow or bull') and Balîvarda ('bullock'). Straightforwardness is not to be crooked. (And) the rest are well known. 15

Next, (there is this) which has been stated by MANU, "One shall observe harmlessness, truthfulness, not flying into a passion, and straightforwardness as well" (XI. 222), and that is also indicative of these very same by synecdoche and is not enumerating (of all that is to be observed). 20

Mercifulness and forgiveness are auxiliaries to penance.

844. And here, the mentioning again of mercifulness and forgiveness, though they come in as (essential factors of) the goal of human existence, is intended to point out that they are auxiliaries to the penance. There is also something particular (about them) in certain cases. The enjoining of truthfulness (here) is for the purpose of excluding the speaking of untruth though countenanced in marriage and the like. The ordaining of harmlessness is for the purpose of (laying down) that even sons, disciples, etc. should not be beaten. 25 30

No lie even to further a marriage, and not as much as beating even a disciple.

845. Of the (secret) penances (the sage) first describes the vow (of penance) called Sântapana :

Cow's urine, cow-dung, (cow's) milk, (cow's) curds, (cow's) ghee, and Kuśa-water 35

CCCXV. One shall partake of and fast during the next day. (This) best (constitutes) a Sântapana Kṛichchhra.

(Totally) abstaining from any other food, on the first day one should mix and drink the five materials forming the five Gavyas along with water in which Kuśa grass has been boiled, and (then) fast on the second day, and this constitutes a Sântapana Kṛichchhra lasting 5 for two days. And that they should be mixed together (*m*) is understood from (the fact) that in the next verse, they are laid down to be (partaken of) separately.

Sântapana – subsisting on Pañchagavya on one day and fasting the next.

Also this (word) 'Kṛichchhra' is a significant term as it produces bodily mortification, it being of the nature of an 10 austerity. The proportion of cow's urine etc. (that enter into the mixture) will be described.

'Kṛichchhra' is significant.

846. But when one fasts on the first day, and on the second day he mixes the five Gavyas to the repetition of the Mantras, and also drinks it to the repetition of the 15 Mantras, then it will be denominated as Brahmakûrcha. Thus says PARÂŚARA: "Cow's urine, cow-dung, (cow's) milk, (cow's) curds, (cow's) ghee, and Kuśa water (are to be taken). (These mixed) are termed Pañchagavya, and are severally purifying of the body. The urine of a cow of red colour (is) to be taken, 20 the dung of (a cow of) white colour, milk of (a cow of) golden colour, likewise curds of (a cow of) a bluish colour, and ghee of (a cow of) black colour, or all (these materials) of a Kapilâ cow. When (cows of the particular colours) cannot be had (things of cows) of any colour might be taken, and 25 this is the rule with regard to the five Gavyas. Next, eight Mâṣas of the cow's urine (are to be taken), and sixteen of cow-dung. It is laid down that twelve (Mâṣas) of (cow's) milk (should be taken), and it is declared that ten (Mâṣas) of (cow's) curds are to be taken. It is 30 opined (that the proportion of cow's) ghee (is the same) as cow's urine, and half of it (should the measure of) Kuśa water (be). Cow's urine should be taken (into a vessel) by (the recital of) Gâyatrî, the cow-dung by *Gandha-dvârâm* etc. And (cow's) milk by (the recital of) *Âpyâyasva etc.*, 35 (cow's) curds by *Dadhi krâvṇa etc.*, (cow's) ghee by *Tejosi śuklam etc.*, and the Kuśa-water with *Devasya tvâ etc.* (Out) of the Pañchagavya which has been sanctified by the Ṛiks, one shall kindle the fire before him and make the burnt offerings. The Kuśa grass which consists of seven blades, the points of which are not 40 cut off, and which are pure and shining,—"With such (Kuśa grass) (portions of) Pañchagavya shall be taken and made burnt offerings of according

Brahmakûrcha,—if Mantra is used for mixing and partaking of Pañchagavya.

The products of a Kapilâ cow preferred.

8 Mâṣas of cow's urine, 16 of cow-dung, 12 of cow's milk, 10 of cow's curds, 8 of cow's ghee, and 4 of Kuśa water.

The Mantras used in mixing the ingredients.

Making burnt offerings first with the mixture.

(*m*) S. reads *Santapanam*.

to the rule. *Irâvatî etc.* (n), *Idaṃ Viṣṇuḥ etc.* (o), *Mânastoke etc.* (p), and the Ṛiks containing *Śam* (q),—with these (Mantras) also should the burnt offerings be made and the twice-born (person) should drink the remnant of the offering. It shall be stirred by (saying) 'Om,' it shall be sanctified by (saying) 'Om.' It shall be taken out by (saying) 'Om,' and partaken of by (saying) 'Om.' It shall be partaken of in the middle (round) leaf of the Palâśa or in the lotus leaf, (or) in a gold vessel, in a silver one, or even in (the part of the hand called) Brahmatîrtha (repeating), 'Whatever sin adhering to the skin or bone does stay in the human body, that does Brahmakûrcha (along with) fasting consume just as (common) fire the firewood'" (r).

Stirring and partaking of with the syllable 'Om.'

847. And when this very Pañchagavya, mixed, is (partaken of) repeatedly for three (days and) nights, then it becomes known as Yati-Sântapana. For says the text of ŚAṄKHA, "This very (Sântapana) repeated for three days is declared to be a Yati-Sântapana."

Yati-Sântapana,—if Pañchagavya alone is partaken of on three (consecutive) days.

But by JÂBÂLA, a Sântapana to be finished in seven days has been laid down thus: "Cow's urine, cow-dung, (cow's) milk, (cow's) curds, (cow's) ghee, and Kuśa-water,—one of these things should be partaken of on each succeeding day, and then fasting (observed) for one day and night. This is what is called Sântapana Kṛichchhra, and is destroying of all sin."

Sântapana lasting for seven days is another form.

Of these Kṛichchhras (of) harder and lighter (nature) the decision with regard (to the application) is to be known to depend on the ability (of the expiator). In the same way should the decision be understood even further on.

848. (The sage now) describes the Kṛichchhra known as Mahâ-Sântapana:

(Partaking) severally of the things (used) in Sântapana (Kṛichchhra) (one on each day) he shall spend six days and observe fast

CCCXVI. On the seventh day. This is declared to be Mahâ-Sântapana Kṛichchhra.

(n) Rig. V. vi. 24. 3.

(o) Rig. I. ii. 7. 2.

(p) Rig. I. viii. 6. 3.

(q) MÂDHVÂCHÂRYA says this may be either *Śan no deviḥ etc.* (Ṛig. VII. iv. 5. 4.), or *Śamagniragnibhiskarat* etc. (Rig. VI. i. 26. 4.)

(r) There is considerable difference between this passage and that found in the ordinary editions of Parâśara-Mâdhavîya. Compare however XI. 28-37½ of that work.

That Kṛichchhra which lasts for seven days is to be known as that called Mahâ-Sântapana. If it is asked how, the following is said: On (these) six things, cow's urine and the like, taken severally, one shall subsist one day on each, and the seventh day (he shall spend) in fasting. 5

Mahâ-Sântapana,—if one ingredient is used a day and complete fasting observed on the seventh.

849. But by YAMA, a Mahâ-Sântapana, which requires fifteen days to complete, has been laid down thus: "For three days he shall drink cow's urine, and indeed, for three days cow-dung (mixed with water): (He 10 shall drink) (cow's) curds for three days, (cow's) milk for three days, (cow's) ghee for three days, and is then pure. This is Mahâ-Sântapana (Kṛichchhra), and is, indeed, destroying of all sin."

Each ingredient might as well be used for three days according to another prescription.

But by JÂBÂLA, a Mahâ-Sântapana (Kṛichchhra) that is to be finished in twenty-one days has been laid down thus: "Of 15 these six (things), each one he shall use for three days and fast for three days in the end, and they recognize this to be a Mahâ-Sântapana."

Another form lasting for 21 days.

But when of the six things (used) in a Sântapana, each is used for two days, then (it becomes) Ati-Sântapana. Thus 20 says YAMA, "These very things shall be so partaken of (in the manner that) each one (is repeated) for two and two days. That is called an Ati-Sântapana, and purifies even him who boils dog's flesh (for his meal)." "[It] purifies even him who boils dog's flesh" is an Arthavâda. 25

Ati-Sântapana,—if each thing is used for two days.

Thus closes the topic on Mahâ-Sântapana and Ati-Sântapana.

850. (The sage now) describes the vow (of penance) called Parṇa-Kṛichchhra:

The decoctions of Parṇa, Udumbara, lotus, and Bilva leaves, and (also the decoction) of Kuśa grass, 30

CCCXVII. Being severally partaken of, (one on) each (succeeding) day, (it is) declared to be Parṇa-Kṛichchra.

On each (consecutive) day one shall drink the water in which one of these leaves, (namely,) of Palâśa, Udumbara, lotus, 35 and Bilva tree have been boiled, and the Kuśa decoction (he should drink) on one day, and thus (it becomes) a Parṇa-Kṛichchhra ('Leaf Kṛichchhra') that is to be accomplished in five days.

Parṇa-Kṛichchhra,—if decoctions of Palâśa etc., are used for four days.

851. When, on the other hand, a decoction of Parṇa ('Palâśa') etc. 40 all mixed together, is drunk at the end of three (days and) nights (spent in fasting), then it becomes Parṇa-Kûrcha. Thus says YAMA: "These very

Parṇa-Kûrchha,– if a mixture of these is partaken of after three days' fasting.

leaves) all (of them taken together), if he, having fasted for three (days and) nights and being pure, does boil with water and drink (the decoction), (the penance) is called Parṇa-Kûrcha."

852. But when the fruits of Bilva etc. that are separately boiled in water and (each decoction) partaken of for one month, then it acquires the name of Phala-Kṛichchhra ('Fruit-Kṛichchhra'). Thus says MÂRKAṆḌEYA: "When (these) fruits (are) boiled (in water and the decoction partaken of) for one month, then (it is called) Phala-Kṛichchhra by the learned. (When the decoction is prepared) with Śrî ('Bilva') fruits it is called Śrî-Kṛichchhra, and another is likewise (called after Padmâkṣa when the decoction is prepared) with Padmâkṣas ('lotus-seeds'). (If it is) similarly (done) for one month with Âmalakas ('gooseberries') it is declared (to be) another Śrî-Kṛichchhra. (When the decoction has been prepared) with the leaves, the opinion (of the Śâstras is) that it is Patra-Kṛichchhra, and with flowers it is called that Kṛichchhra. It is called Mûla-Kṛichchhra (when it is) with Mûlas ('roots') and Toya-Kṛichchhra ('Water-Kṛichchhra') (when the penance is performed) with water."

Phala-Kṛichchhra,—when decoctions of these fruits are partaken of for one month.

Kṛichchhras named after the fruit etc., that is used.

Thus ends (the Topic on) Parṇa-Kṛichchhra (which is) of Eleven Kinds (s).

853. (The sage now) speaks of Tapta Kṛichchhra:

Of (these things) hot milk, (hot) ghee, and (hot) water, one shall drink one on each day,

CCCXVIII. And (then) fasting for one (day and) night (shall be observed). This is declared (to be) Tapta Kṛichchhra.

Having partaken, one on each day, of milk, ghee, and water, that have been boiled hot, one shall observe fast on the following day. This is Mahâ-Tapta-Kṛichchhra that is to be accomplished in four days. By (using) all of these very (things) (on a single day) followed by a (day of) fast, is constituted a Tapta Kṛichchhra accomplishable in two days as (in the case of) Sântapana.

Mahâ-Tapta-Kṛichchhra,—if hot milk, hot ghee, and hot water are partaken of one on each day and fasted on the fourth.

Tapta Kṛichchhra,—if all used on the first day, and fasting observed the next.

But by MANU (a form of it) accomplishable in twelve (days and) nights has been laid down: "A Brâhmaṇa intending to perform a Tapta Kṛichchhra shall bathe once (a day), and with self-restraint, partake of water, milk, ghee, and air that are hot, each for three days" (XI. 214).

Another form lasting for 12 days.

(s) S. omits this.

854. Next, the quantity of milk etc. (to be partaken of) is to be understood (to be) that laid down by PARÂŚARA: "And three Palas of water shall be partaken of, and (of) milk only two Palas shall be drunk. And (of) ghee one Pala shall be partaken of, while for three (days and) 5 nights, he shall breathe (only) hot air." The idea is that at the end of three (days and) nights (*t*) the vapour of hot water is to be inhaled.

3 Palas of water, 2 of milk, 1 of ghee, and hot air and fasting.

But when cold milk and the like are partaken of, then it becomes Śîta Kṛichchhra. For says the text of YAMA: "For three days cold water should be partaken of, for 10 three days cold milk should be partaken of, and having for three days partaken of cold ghee, he shall next remain on air for three days."

Śîta Kṛichchhra,—if these ingredients are used in cold condition.

Thus ends the Topic on Tapta Kṛichchhra which is of Four Kinds (*u*).

855. (The sage now) describes Pâda-Kṛichchhra ('a quarter of a 15 Kṛichchhra'):

By (partaking of only) one meal (a day), by (partaking of a meal only) at night, likewise by (partaking of) what is given unasked,

CCCXIX. And by fasting, this (becomes a penance) 20 declared to be Pâda-Kṛichchhra.

By (partaking of only) one meal (a day) (means) by eating only one meal (on a day), and (that at) daytime alone (as it is understood) from a separate mentioning of "by (partaking of a meal only) at night." Hence (it means) that one should spend one day and night by actually 25 partaking of a meal only once, at (the time of) day alone. With regard to it by (saying) "at (the time of) day," night (time) is excluded; by (saying) "only once," twice etc. have been excluded; and by (saying) "meal," (the idea of) not partaking of any meal 30 (at all) is excluded. And Kṛichchhra having the feature of a vow (of penance), (the partaking of) a meal as an object of human existence is excluded and this (partaking of a) meal as part of Kṛichchhra is ordained. Just so (has) ÂPASTAMBA: "For three days he shall not eat during the night, and (for three days) he shall not eat during the day, and then for three 35 days (he shall take a) vow to eat only such (food) as is given unasked, and for the (next) three days he shall eat nothing whatever" (I. 27. 7).

Eating a meal at daytime on the first day, one meal at night on the second, eating what is got unasked on the third, and fasting on the fourth constitutes a Pâda-Kṛichchhra.

And here, by (this word) *Anaktâśin* ('one who does note at during the night'), which contains the termination *ṇini* ('*in*'), by excluding the night as necessitated by the vow (of penance) (he) points out that 40

(*t*) The reading *trirâtrasya-pûraṇe* which S. has, is adopted as that seems to be the best.

(*u*) S. omits this.

partaking of a meal during the day is a (matter of a) regulative rule. This very fact has been made clearer by GAUTAMA, "Having partaken of food fit for making sacred offerings as the morning meal, he shall not partake of any food on three nights" (III. viii. 2). The same holds good even in the case of night meal also. 5

856. The meal in which there is nothing that has been asked and obtained, is *ayâchita* ('what is give unasked'). Thereby (he should subsist); and as no particular time has been mentioned (in connection with it), he might partake of it either during the day or even at night, but only (it must be partaken of) once. The Kṛichchhras being of the nature of austerities, the latter do not come about where there is a second meal. 10

Ayâchita is what is got unasked, and he might eat only once at day-time or night time.

And by the term 'Ayâchita' ('unasked'), it must not (be supposed) that the prohibition is only with reference to begging the food of another, but on the other hand, though (it is of) one's own self, he shall not ask for it his servant, his wife, or (any one else) like (that). For *yâchñâ* is commonly used to (signify) either sending or entreaty. Hence, though at his own house, if his servant, wife, and the like would bring him food without being asked at all, (it is only) then that he should eat and not otherwise. It is with this very view that it has been said by GAUTAMA thus: "Next, during another period of three days, he shall not ask anybody (for food)" (III. viii. 4). 15 20

He shall not ask even his wife to give him food (though the food too is his own property).

And here the rule regulating the number of morsels (to be swallowed) is pointed out thus by PARÂŚARA: "And in the evening twelve are the morsels (to be swallowed) and it is declared to be fifteen (if) in the morning. Twenty-four are to be (partaken of when brought) unasked, and next (it is) laid down (that there should be a complete) abstaining from food." But it is stated differently by ÂPASTAMBA, "Twenty-two are the morsels (to be partaken of if) in the evening, and it is declared that they are twenty-six (if) in the morning. Twenty-four (such are to be partaken of) when (brought) unasked, and then three (days should be spent in) fasting. And (the morsels are) of the size of a hen's egg or even as (much as would) get into the mouth." 25 30 35

12 morsels if in the evening; 15 if in the morning; and 24 if brought unasked.

Or 22 in the evening; 26 in the morning; and 24 when brought unasked.

Of these two rules, one alternative (is to be chosen) in accordance with the ability (of the expiator).

857. But by ÂPASTAMBA the penance of Prâjâpatya has been divided into four parts and made into four Pâda-Kṛichchhras, and the settlement (with regard to their application is) shown (to depend) upon the (reverse) order of castes: "To fast for three days (is) one-fourth (part of it), and (it is) one-fourth (to partake of things obtained) unasked. (To partake of food) in the evenings for three days is 40 45

Three morning meals, three evening meals, three days' subsisting on what is brought unasked, and three days' fast,—each constitutes a Pâda-Kṛichchhra.

one-fourth (part) likewise, and similarly (to partake of food) in the mornings is one-fourth. A Śûdra shall perform (that) fourth part (of partaking of food) in the morning, but in (the case of) a Vaiśya that one-fourth (of partaking of food) in the evening should be prescribed. It is declared (that partaking of food brought) unasked (is to be prescribed) in (the case of) a Kṣatriya, (while fasting for) three days in (the case of) a Brâhmaṇa." 5

3 morning meals for a Śûdra; 3 evening meals for a Vaiśya; subsisting on what is brought unasked for 3 days for a Kṣatriya; and 3 days' fast for a Brâhmaṇa.

858. But when for two (periods of) three days, (one) spent in (partaking of what is obtained) unasked and (the other) in fasting, (the penance 10 is) observed, then it becomes an Ardha-Krichchhra ('half Krichchhra'), while excluding that (of partaking food) in the evenings, if the other three (periods of) three days (are spent in the prescribed manner), it should be understood that it becomes three-fourths 15 (of a Krichchhra). For it has been stated by that very (authority) thus: "Excluding (the portion of partaking of food in) the evenings and mornings it becomes half (a Krichchhra), and three-fourths when (the part of partaking of food) at nights is omitted." Even another manner of (observing) half a Krichchhra is pointed out by that very (authority) thus: "(Food 20 shall be partaken of) in the evening on one (day) and in the morning on the other, what is obtained unasked (shall be partaken of) during the (next) two days, and for two days following nothing whatever shall be eaten, and that is described as half a Krichchhra." 25

Ardha-Krichchhra the combination of the last two, and three-fourths if eating in the evenings is omitted.

An alternative course.

859. (He) speaks of Prâjâpatya Krichchhra:

The (very) same observed thrice in some manner (or the other), is described as a Prâjâpatya.

When this very quarter Krichchhra is observed thrice repeated by in some manner the other), being repeated after the manner of being 30 reckoned by a measuring rod or augmented in their very order, and in the direct order or the reverse order (of mention), and likewise in addition with the meditative repetition (of the Mantras) or the like, or without them, it is termed a Prâjâpatya (Krichchhra). 35

Prâjâpatya Krichchhra is thrice a Pâda Krichchhra.

Of these (various modes of performing it), (that) alternative of (performing it) after the manner of being reckoned by a measuring rod has been pointed out by VASIṢṬHA: "On one day (he shall eat) in the morning (only), on the (following) day at night (only), on the (next) day food given without asking, and on the (fourth) day 40 (he shall) fast, and the succeeding two (v) (periods of) four days (shall be passed) in the same manner.

A succession of morning meal, evening meal, eating what is got unasked, and fasting three times.

(v) Buhler has 'three' here which is evidently a mistake.

For the purpose of making it a boon to the Brâhmaṇas, MANU, the best among the pillars of the law, has thus described the Śiśu-Kṛichchhra (' the hard penance for children ') for infants, the aged, and sick men" (XXIII. 43).

The alternative of augmentation in their direct order (of mention) has been laid down by MANU thus: "For three days (he shall eat) in the morning (only), for the (next) three days (he shall eat) in the evening (only), for three days (following) (he shall eat) what is given unasked, and for three days (further) he shall fast. (Thus) should a Brâhmaṇa perform the Prâjâpatya" (XI. 211).

Or morning meal for 3 days; evening meal for the next 3 days; eating what is got unasked for the next 3 days, and fasting for the last 3 days.

But the augmentation (of it) in the reverse order has been laid down by VASIṢṬHA thus: "A Brâhmaṇa shall perform a Kṛichchhra in the reverse order (of augmentation) it being followed by a Chândrâyaṇa."

Or the reverse order.

The alternative of its being without the meditative repetition (of the Mantras) etc. has been laid down by AṄGIRAS in (order to refer to) the (case of) women, Śûdras, etc. "Therefore, having met a Śûdra who always adheres to the path of Dharma, a penance shall be prescribed free from meditative repetition (of the Mantras) and (making of) burnt offerings." And the other alternative involving the meditative repetition (of the Mantras) etc. refers to the (case of the) three (twice-born) classes, both by the law of what is left (when one of the two is taken into account) and by their fitness (to perform them).

Without meditative repetition of Mantras for Śûdras.

860. And that (meditative repetition of the Mantras etc.) have been pointed out by GAUTAMA and others: "Now, therefore we will describe the Kṛichchhras. Having partaken of food fit for making sacred offerings as the morning meal, he shall not partake of any food on three nights. Then for the next three days he shall partake of food at nights. Next, for another (period of) three days he shall not ask anybody (for food). Further, he shall fast for another (period of) three days. He who desires (to be purified) quickly, shall stand during the day and sit during the night. He shall speak the truth. He shall not converse with such as are not Âryas. He shall every day meditatively repeat Raurava-Yaudhâ (w)." "At each of the (three) Savanas, he shall bathe and sprinkle his body with water to the recital of these three Ṛiks, *Apo hi ṣṭhâ* etc. (x), with the Ṛiks containing (the word) ' Pavitra,' (y) and with eight (Mantras) beginning with ***Hiraṇya-varṇâḥ śuchayaḥ***

Additional characteristics of speaking truth, standing during the day, etc.

(w) *Punânas somadhârayâ* (Ṛig. VII. v. 12. 3) etc.—HARADATTA. But VIJÑÂNEŚVARA says later on that these are Sâmans.

(x) Rig. VII. vi. 5. 1-3.

(y) These are *Pavamânas so adyanaḥ* etc. (Rig. VII. ii. 16. 2). The Riks that follow too have the word ' Pavitra ' etc.

pâvakâḥ etc. (*z*). Next, he shall make libations with water thus,—Adoration to him who creates self-consciousness, who creates ignorance, who creates greatness, who holds the bow, who performs austerities, to him who is PUNARVASU, adoration. Adoration to him who is worthy of (offerings) consisting of Muñja grass, who is worthy of (offerings of) water, who conquers wealth, to him who conquers universe, adoration. Adoration to him who gives success, who gives full success, who gives great success, who helps us to reach the other shore of misery, who is the Highest Limit, to him who carries (all), undertakings to a successful issue, adoration. Adoration to RUDRA, lord of cattle, the Great Lord, the trinocular, solitary, Supreme Lord HARA, to ŚARVA, to the destroyer of sin, to the dreadful entity, to him who carries the thunderbolt, to him who is merciful, to him who wears the matted locks. Adoration to (him who is) the Sun-god, the son of ADITI. Adoration to him whose neck is blue, to him whose neck is dark-blue. Adoration to the black one, to the brown one. Adoration to the first born, the best, the ancient, to the lord, to him whose hair is reddish brown, to him who abstains from sexual intercourse. Adoration to him who is truth, is fire, is fire-coloured, is of one colour, is desire, is one changing his form at pleasure. Adoration to him who is brilliant and is of a brilliant form. Adoration to him who is fierce, to him whose form is fierce. Adoration to him who is unruffled, is the perfect entity, is the great entity, is the medium entity, is the superior entity, is Brahmachârin. Adoration to him who has Moon on his forehead, to him whose garment is a skin. This very (Mantra is to be used for) the attending ceremony on the Sun-god. These very (Mantras are to be used for) making burnt offerings of ghee. At the end of (the period of) twelve (days and) nights, he shall prepare Charu and make offerings to (the following) gods: (This is) to AGNI, Svâhâ! (this is) to SOMA, Svâhâ! to AGNI and SOMA (conjointly); to INDRA and AGNI (conjointly); to INDRA; to VIŚVEDEVAS; to BRAHMAN; to PRAJÂPATI; (and) to AGNI (to whom the epithet) Sviṣṭakṛit (is given). (That) done, he shall feed the Brâhmaṇas" (XXVI. 1-17) (*a*).

Certain libations with water.

Charu offering at the end of twelve days.

With regard to that (passage) the meaning of "He who desires (to be purified) quickly, shall stand during the day and sit during the night" (is this): He who though the sin is great desires to get rid of the sin quickly, (that is), with an only Kṛichchhra, shall, when (it is) day, at all hours (during which he is) free from religious rites, remain standing and sit during the night. In the same way the meditative repetition of the Sâmans called Raurava-Yaudhâ, the making of libations with the Mantras, "Adoration to him who creates self-consciousness

'Quickly' (in the above) means with an only Kṛichchhra.

(*z*) Taittirîya Kâṇḍa V, Praśna VI.

(*a*) This is practically Buhler's translation with such changes as the raading of the Mitâkṣarâ necessitates. Buhler commits a mistake in the 10th Sûtra.

etc.," the ceremony of attending on the Sun-god *etc.*, and the preparing of the Charu (for the purposes of burnt offerings) etc., acts which though are not laid down by the lord of Yogins and others, one who desires (to be purified) quickly shall perform. And thus it should be understood that what has been prescribed by GAUTAMA in the place of the two 5 Prâjâpatyas laid down by the lord of Yogins is full of several details (that are) to be observed.

In the same way, even the other texts laid down in other Smṛitis should be collected and the particular cases (to which they refer noted).

861. (He now) speaks of Atikṛichchhra : 10

CCCXX. This itself becomes an Atikṛichchhra (when only) one handful of food is partaken of.

Atikṛichchhra by partaking of an only handful of food on nine days and fasting for three.

That which has these very characteristic features, (that is to say,) that which has got the partaking of only one meal a day and the like features of Prâjâpatya, becomes 15 an Atikṛichchhra. And thus much is the difference: On the first three (periods of) three days, one shall partake of (only) one handful of food (each day), and not twenty-two etc. mouthfuls. And in this case as, by laying down that (only) one handful of food (shall be partaken of), there is an explanatory repetition of the 20 (act of partaking of the) meal that has (already) occurred (by the rule of partaking of the food in the morning, in the evening, or only that which is given unasked), fasting during the last three days which comes in by the extension (of the rule of Prâjâpatya) is not at all contradicted.

MANU lays down an only morsel where a strong man can endure.

862. Even with (regard to) this, the decision with regard to the 25 fourth part of it should be understood (to be the same) as in the last (case). But (there is the text) which is laid down by MANU, "A twice-born (person) intending to perform an Atikṛichchhra, shall partake of (only) one and one morsel of food as in the last (case) 30 during the (first) three (periods of) three days, and fast during the last three days" (XI. 213), and as that lays down a smaller quantity (of food) than one handful, it refers to (the case of one who is) able (to endure it).

863. (The sage now) speaks of Kṛichchhra-Atikṛichchhra :

(It is) Kṛichchhra-Atikṛichchhra (to subsist) on 35 milk for twenty-one days.

Kṛichchhra Atikṛichchhra by subsisting on milk for 21 days.

It should be understood that subsisting on milk for twenty-one (days and) nights (constitutes) the vow (of penance) called Kṛichchhra-Atikṛichchhra. But by GAUTAMA, it has been said that subsisting on water for twelve 40 days (constitutes) a Kṛichchhra-Atikṛichchhra thus :

"That of subsisting on water (for the whole period) (b) is the third (Krichchhra called) Kṛichchhra-Atikṛichchhra" (III. viii. 20). Hence the decision (with regard to the application of these alternatives is) with reference to the ability (of the expiator). 5

Or subsisting on water for 12 days.

864. (He now) speaks of Parâka:

CCCXXI It is declared (that) a Parâka (is constituted) by fasting for twelve days,

This half verse is plain in meaning.

865. (He now) speaks of Saumya Kṛichchhra: 10

(The partaking) of oil-cake, the scum of rice, whey, water, and Saktu (one) on each day.

CCCXXII. And also fasting for one (day and) night is described to be a Saumya Kṛichchhra.

Oil-cake (referred to here) is sesamum from which (all) oil has been 15 extracted; (the scum of rice is) that which appears at the top of the boiling rice; (whey is) what is left (behind) when butter is being extracted; water and Saktu (are well known): one and one of these five (things) should be partaken of on each (succeeding) 20 day, and fasting observed on the sixth day, and this is called Kṛichchhra denominated as Saumya. And it should be understood that the quantity of (these) is determined by (what is) absolutely (necessary) for the preservation of (individual) life. But by JÂBÂLA a (form of) Saumya Kṛichchhra which 25 lasts (only) for four days has been laid down: "Oil-cake (shall be partaken of on the first day), Saktu (on the second), whey (on the third), and fasting (observed) on the fourth day. Raiments and indeed money shall be made over in gift, and this is described as Saumya Kṛichchhra."

Saumya Kṛichchhra, partaking of oil-cake, scum of rice, whey, water, and Saktu on consecutive days and fasting on the sixth day.

A modified form pointed out by JÂBÂLA.

866. (The sage now) speaks of Kṛichchhra called Tulâpuruṣa: 30

By a repetition of (partaking of) these (things), one by one in order, for three (days and) nights

CCCXXIII. It comes to be known as Tulâpuruṣa lasting for fifteen days.

It should be understood that by a repetition for three (days and) nights 35 (of partaking of) each of these five things, the oil-cake and the like, a Kṛichchhra, denominated as Tulâpuruṣa, lasting for fifteen days is (constituted).

Tulâpuruṣa Kṛichchhra by partaking of these five things each for three days.

(b) HARADATTA's view is slightly different: "At the very meal hours pointed out above mere water should be partaken of, and it is to be known that this is the third (of the Kṛichchhras called) Kṛichchhra-Atikṛichchhra. Here on the days of fasting not even drinking of water other than for Âchamana purposes does come in."

And with (regard to) it, as it is laid down that it should last for fifteen days, the fasting (at the end) is left out (of consideration). But by YAMA, a (form of) Tulâpuruṣa Kṛichchhra lasting for twenty-one (days and) nights has been laid down: "Having partaken of the scum of rice followed by oil-cake, whey, water, and Saktu, each for three days, he shall subsist on air for two (periods of) three days. And (this penance lasting for) twenty-one (days and) nights is described as (Tulâpuruṣa)." (The details) that are to be observed (in this connection) and are laid down by HÂRÎTA and others are not given here for fear of increasing the bulk of the work.

YAMA adds six days' fasting.

867. (The sage next) speaks of Chândrâyaṇa:

During the bright (half of the lunar month) he shall partake of food morsels, of the size of a peacock's egg, commensurate with the increasing of Tithis,

CCCXXIV. And reduce (the number of) food morsels one by one during the dark (half of the lunar month), (and this is the course that) he who intends to perform a Chândrâyaṇa (should follow).

He who intends to perform a Chândrâyaṇa shall, during the bright (half of the lunar month), (that is,) during (that) half of the lunar month when the (phase of the) moon goes on increasing, partake of, (that is,) eat, commensurate with the increasing of the Tithis, morsels of food of the size of a peacock's egg. Just as (during the lunar days) beginning with Pratipat ('first day of a lunar half month'), the daily increment of the lune goes on increasing one by one, in the same manner he shall partake of food increasing even the morsels one by one, as one on the Pratipat ('the first day of lunar half month'), two on the Dvitîyâ ('the second day of the lunar half month'), and so on up to the day of full moon. Thus having partaken of fifteen morsels on the fifteenth (lunar) day, he shall next, when (it is) the dark (half of the lunar month), partake of food reducing the number of morsels one by one every day as (eating) fourteen on the Pratipat, thirteen on the Dvitîyâ, and so on till the Chaturdaśî ('the fourteenth day of the lunar half month') ends And thus, having partaken of (only) one morsel on the Chaturdaśî (day), he shall, of course, fast on the new moon day. Just so has VASIṢṬHA: "(Beginning with one) he shall increase (his food) by one morsel (a day) during the bright (half of the lunar month) and diminish it (in the same way) during the dark (half of the lunar month). And he shall not eat (anything) on the new moon day, and this is the rule for Chândrâyaṇa" (XXVII. 21).

Chândrâyaṇa to partake of only 1, 2, 3 etc. morsels on consecutive days in the bright half of the lunar month; to decrease it one by one during the dark half; and to observe complete fasting on the new moon day.

Chândrâyaṇa so called as it resembles the course of the moon.

That act is called Chândrâyaṇa wherein the Ayana, or partaking of food, is like the *ayana*, phase, *chandrasya*, of the moon, by diminishing and increasing (of the food morsels). The lengthening of the vowel (of the) first (syllable) is (because it is) a Saṃjñâ ('a 5 derivative name').

Or one may begin it on the dark half of the lunar month with 14, 13, 12, etc. morsels on consecutive days, fast on the new moon day and partake of 1, 2, 3, etc. morsels on successive days of the following bright half.

868. And this is denominated as Yavamadhya ('the middle of barley') (Chândrâyaṇa) because it resembles a Yava, thinner at the ends and thicker in the middle. When this very vow (of penance) is begun on the Pratipat 10 of the dark half (of the lunar month), then, as it becomes extremely diminished in the middle as in an ant, it is called Pipîlikâmadhya ('middle of an ant') (Chândrâyaṇa). (It is) indeed thus: He shall partake of fourteen morsels on the Pratipat (day) of 15 the dark (half of the lunar month), and go on partaking of food diminishing it by one and one morsel (a day) till the Chaturdaśî is reached. Then he shall partake of an only morsel on the Chaturdaśî day, fast on the new moon day, and partake of an only morsel on the Pratipat of the bright half (of the succeeding lunar month). Thenceforward as the remaining (days of 20 that) half (lunar) month are being spent with one and one increased morsel of food (every day), fifteen morsels come (to be partaken of) on the full moon day. Therefore, the (term) 'Pipîlikâmadhya' is certainly well fitting. Just so (has) VASIṢTHA, "On the first day of the dark half (of the lunar month), he shall partake of fourteen morsels of food, and diminishing 25 his food by one morsel (a day) he shall spend the remaining (days) of the half month. And in the same way, he shall on the first day of the (succeeding) half (lunar) month, eat only one morsel, and increasing his food by one and one morsel (a day), he shall spend the remaining (days) of another half (lunar) month" (XXIII. 45). 30

The same number of morsels as the Tithi.

869. But when on account of the increase or falling short of a lunar day (*c*) sixteen or even fourteen days (as the case may be) occur in a lunar half month, then, it must be understood, the morsels (of food) also should be increased or diminished; for the rule is that "He shall partake 35 of food morsels commensurate with the increasing of the Tithis ('lunar days')."

870. But (certain more) particulars have been laid down by GAUTAMA thus: "Now, therefore, the Chândrâyaṇa (will be described). (Certain) rules prescribed for a Kṛichchhra (also apply) to it (*d*). (The hair must be) 40

(*c*) There is an increase of a lunar day when one such continues at the moment of two successive sunrises, and a disappearance of it when it falls within two sunrises and is not lasting at either.

(*d*) The punctuation of the corresponding passage is very bad in the editions before us. The rules of Kṛichchhra have been laid down in III. iii. 1–17.

shaved off if (it is performed as) a vow (of penance). He shall fast on the day preceding the full moon. Reciting these (Mantras), *Âpyâyasva* ('Increase'......) *etc.* (*e*), *Sante payâṃsi* ('May milk be joined with thee') *etc.* (*f*), and *Navo navo* ('Ever new') *etc.* (*g*), (water) libations (shall be made), burnt offerings of ghee (shall be made), consecrating of the sacrificial Charu 5 being (done), and the ceremony (of) attending on the Moon-god (performed). Reciting the four (Mantras), *Yaddevâ devaheḍanam etc.* he shall make burnt offerings of ghee. And that done, reciting the Mantra *Devakṛitasya etc.*, (he shall make offerings) with three pieces of sacred fuel. The morsels of food shall be consecrated (in order) with the Mantras, "Om Bhûḥ 10 ('earth')," "Om Bhuvaḥ ('ether')", "Om Svaḥ ('heaven')", "Om Mahaḥ, ('splendour')," "Om Janaḥ ('birth')", "Om Tapaḥ ('austerity')", "Om Satyam ('truth')," "Yaśaḥ ('fame')," "Śrîḥ Ûrk ('prosperity essence')", "It ('speech')" (*h*), "Ojaḥ ('vitality')," "Tejaḥ ('lustre')," "Puruṣaḥ ('Âtman')," "Dharma ('virtue')," and "Śivaḥ ('blessing')," or (he may consecrate) all (of 15 them at once, by saying), 'Adoration, Svâhâ!' and with these very (Mantras) he shall partake of the morsels. The size of the morsel (shall be such as can be swallowed) without distortion of the mouth. "Charu, what is obtained by begging, Saktu, grain picked up from the midst of chaff, barley-gruel, vegetables, milk, curds, ghee, roots, fruits, and water are the Havis's, 20 and (among these) each next one is preferable (to the one immediately preceding it). He shall partake of fifteen morsels on the full moon (day), and shall eat during the next half month diminishing his food by one morsel (every day). He shall fast on the new moon day, and eat during the (subsequent) half month by increasing his food by one morsel (a day). 25 (In the opinion) of some (this order shall be) inverted. And this is Chândrâyaṇa (observed for) one month." (III. ix. 1—15).

Morsel is of the size of a peacock's egg; as much as can be swallowed without distorting the month in the case of children.

871. Here what has been said as, "The size of the morsel (shall be such as can be swallowed) without distortion of the mouth," is intended to refer to the case of children, 30 for they have not got the ability to partake of fifteen morsels (each) of the size of a peahen's egg.

The size determined by measuring in the case of liquid.

With regard to milk and the like foods fit for sacrifices the quantity of the volume o a peahen's egg should be determined with the (help of) leaf- 35 cups etc.

872. Similarly, a hen's egg, a fresh gooseberry, etc. which represent the size of the morsels as laid down in other Smṛitis, are depending upon the (particular nature of the) ability (of the expiator), for they are smaller in bulk than a peahen's egg.

40

(*e*) Rig. I. vi. **22**. 1.
(*f*) Rig. I. vi. **22**. 3.
(*g*) Rig. VIII. iii. **23**. 4.
(*h*) S. has *Indraḥ*.

And again in the (above passage), after laying down in the text, "He shall fast on the day preceding the full moon," that he shall fast on the full moon day, the laying down of a (form of) Chândrâyaṇa lasting for thirty-two days, is intended to show that there are other forms of it, and that it is not (perfectly) uniform. For it has been shown that, according to the statement of the lord of Yogins, the (Chândrâyaṇa is a penance) lasting for thirty days. If this were general, then it is impossible to perform Chândrâyaṇa continuously throughout the year, and (it is) also impossible to keep it in consonance with the motion of the moon.

There are other modified forms of Chândrâyaṇa.

873. (The sage now) speaks of another (form of) Chândrâyaṇa:

In some way or the other, two hundred and forty of the food morsels

CCCXXV. He shall partake of during one month, and (this) then (constitutes) another (form of) Chândrâyaṇa.

He shall partake of two hundred and forty morsels of food during one month. In some way or the other, he shall partake of so many morsels according to his ability, (that is to say,) eight morsels at noon every day, or four and four at both the night and the day (respectively), or four on one day and twelve on (the day) following, or likewise fasting one (day and) night; (and partaking of) sixteen (morsels) on the next day, and so on, and this constitutes a (form of) Chândrâyaṇa different from the two (forms of) Chândrâyaṇa described above.

Another form by eating 240 morsels somehow.

Hence, this regulative rule with regard to the number of morsels (that are to be partaken of) does not refer to those two cases (*i*) but only the number of two hundred and twenty-five.

These (several) methods (of partaking the total number of two hundred and forty morsels) have been pointed out by MANU also: "Wishing to perform a Yati-Chândrâyaṇa, he shall, with self-restraint, partake (every day) of eight and eight morsels of food fit for being offered in sacrifice (XI. 218). Wishing to perform a Śiśu-Chândrâyaṇa, a Brâhmaṇa, with self-restraint, shall partake of four (morsels) in the morning, and four when the sun has set (XI. 219). In some way or the other, having partaken of three times eighty morsels of food (of material) fit for being offered in sacrifice, with self-restraint, one attains the same world as of the Moon-god" (XI. 220).

Yati-Chândrâyaṇa,—partaking of 8 morsels once a day.

Śiśu-Chândrâyaṇa,—4 morning, 4 evening.

(*i*) It is hard to see how this follows from what has been said. It were better that VIJÑÂNEŚVARA had cited some authority in support of his point.

874. Similarly the use of (the word) "another" (in the text of YÂJÑAVALKYA) is to encompass even that (form of Chândrâyaṇa) (which is) to be finished by (partaking of) a less number of morsels than two hundred and forty. Thus says YAMA: "Indeed for one month, he, with self-restraint and firm in the vow he has adopted, shall partake of three and three morsels of food (of material) fit for being offered in sacrifice, and it is declared (that it constitutes) a Ṛiṣi-Chândrâyaṇa."

Ṛiṣi-Chândrâyaṇa—3 morsels a day of food fit for sacrificial purposes.

And with regard to these, Yati-Chândrâyaṇa and the rest, the keeping in consonance with the moon's motion is not essential. And, therefore, in accordance with a month which generally (j) consists of thirty days, when Chândrâyaṇa is being performed continuously, then on account of an increase or falling short of a lunar day (which occurs) somehow, or when it is begun on a Pañchamî ('fifth day of lunar half month') there is, nevertheless, no violation of the rule.

Consonance with the Moon's motion not essential in the case of Yati-Chândrâyaṇa etc.

875. (There is also that) vow which is called Somâyana and is laid down, as lasting for one month, by MÂRKAṆḌEYA thus: "And for seven (days and) nights he shall drink milk of the cow (drawn) from (all) her four dugs, for seven (days and) nights from three dugs, for seven (days and) nights from two dugs, for six (days and) nights from an only dug, and for three days he shall fast. This is the vow (of observance) called Somâyana and is destroying of (all) sin."

Somâyana—drinking of milk drawn from all the four dugs of a cow during the first seven days, from three during the next seven, from two during the succeeding seven, from one during the subsequent six, and fasting for three days last.

In another Smṛiti (it is said thus): "(For) seven (days and) nights (each), (milk shall be drunk drawn from) all the dugs of the cow, then (from) three, (then from) two, and (last from) one, and fasting shall be observed (for) three (days in the end); and if this is done, then that is a Somâyana (performed) during one month."

Another modified form of 31 days.

The (above two) also have the very characteristic features of a Chândrâyaṇa. For in (the text), "Then, therefore, we shall commence (to describe) the Chândrâyaṇa," and the succeeding ones, after having laid down a Chândrâyaṇa with details of observance, an extension (of the features of Chândrâyaṇa to Somâyana) has been laid down by HÂRÎTA also thus: "In this very way (should a) Somâyana (be performed)." Again (there is this in) which he lays down a Somâyana beginning with the Chaturthî ('fourth day of lunar half month') of the dark half (of the lunar month) and ending with Dvâdaśî ('twelfth day of lunar half month') of the (succeeding) bright half (of the lunar month): "Beginning with the Chaturthî (of a dark half of lunar month) he shall

Somâyana has the characteristic features of a Chândrâyaṇa.

Decreasing and increasing of milk after periods of three days is another modified form.

(j) S. has *Sâvana*, a solar month consisting of thirty days.

drink milk (drawn) from (all the) four dugs (of a cow) for three (days and) nights, from three dugs (for) three (days and) nights, from two dugs (for) three (days and) nights, and from one dug (for) three (days and) nights, and similarly beginning with one dug, (he shall again drink milk) till the course ends with all the four dugs. 5

Tithi-Homas.

'Whatever is your body on the Chaturthî day, O Moon-god, protect us with it; I bow to him, Svâhâ!' (After saying) 'Whatever is your body on the,' Pañchamî, Ṣaṣṭhî ('the sixth day of lunar half month'), *etc.*, (should be substituted in place of 'chaturthî' and pronounced), and thus (there are performed) Tithi-Homas ('offerings made 10 on the lunar days') (that are to be) performed for sacrificial purposes. With these he shall propitiate (the Moon-god). Being purified from sins, he attains the fellowship with, the same world as of, and an identical sameness with, the Moon-god." This Somâyana which is 15 laid down as lasting for twenty-four days refers to (the case of) the weak.

This form of Somâyana for 24 days refers to the case of the weak.

SECTION L.—GENERAL RULES OF OBSERVANCES IN PERFORMING KṚICHCHHRAS AND CHÂNDRÂYAṆAS.

876. Then (the sage) describes the details of observance common to Kṛichchhra and Châṇdrâyaṇa : 20

Bathing at the three Savanas, one shall perform Kṛichchhra and likewise Châṇdrâyaṇa.

CCCXXVI. He shall meditatively repeat Pavitra (Mantras), and sanctify (each) morsel of food (he eats) with Gâyatrî. 25

(Whether it is) Kṛichchhra, the Prâjâpatya (Kṛichchhra) etc., or Châṇdrâyaṇa, one shall perform (it) being intent on bathing at the three Savanas. And this (refers to cases) other than Tapta Kṛichchhra, for a special (rule) has been laid down by MANU in that (connection) as, "[He] shall 30 bathe once (a day) and with self-restraint *etc.*" (XI. 214). Next bathing at the three Savanas which is laid down by ŚAṄKHA in (connection with all) the Kṛichchhras thus, "Thrice during the day and thrice during the night, he might plunge into water with his clothes (on)," does refer to the case of 35 those that are unable (?) (to endure the rigour of it). And next there is bathing of twice a day which is laid down by VAIŚAMPÂYANA thus, "(In the case) of a twice-born (person) bathing shall be only twice (a day) or even three times," and that should be understood (to apply) to him who is unable to 40 bathe thrice (a day). Further (there is this) which

He shall bathe thrice a day,

and once a day during Tapta Kṛichchhra.

Bathing less frequent or more according to the ability of the individual concerned.

is stated by GÂRGYA, "Wearing only one raiment let him go about collecting alms, and having bathed let him not wring (water) out (of) the raiment," and even that refers to (the case of) an able man himself. For in (the text), "Wearing only one raiment or even wet cloth, eating what he gets unasked, and lying on an open mound *etc.*," it has been shown by 5 SAṄKHA that even wearing of an only raiment is but an alternative course.

Bathing with Suddhavatî Mantras.

877. Even with (regard to) bathing, a special (rule) has been laid down by HÂRÎTA: "Bathing not less than thrice (a day) reciting Śuddhavatî (Mantras), he shall medi- 10 tatively repeat Aghamarṣaṇa (Sûkta) in the midst of water, shall wear a washed raiment not at all worn (before by any one), and reciting the Saumya Sâmans he shall perform the ceremony (of) attending on the Sun-god." Also after bathing, Pavitra (Mantras) shall be meditatively repeated. And the Pavitra (Mantras) are, 15 "the Aghamarṣaṇa, the Devakritaḥ, the Śuddhavatîs, the Taratsamas" (*k*), and the like, and of these that have been pointed out by VASIṢṬHA and others, any one might be meditatively repeated (when still) in the midst of water, and at such times as are not opposed to their purpose. Or he 20 (might meditatively repeat) Sâvitrî, for says the text of MANU, "And he shall always meditatively repeat Sâvitrî and also the Pavitra Mantras according to his ability" (XI. 225). But (there is this) which is stated by GAUTAMA, "He shall every day meditatively repeat Raurava-Yaudhâ" (*kk*) (III. 25 viii. 9), and even that is stated because they (too) are Pavitra (Mantras) but not to restrict (that they alone should be meditatively repeated). For if it were so, there results (the fact) that (a Mantra) whose origin is another (branch of) Smṛiti will be made compulsory. 30 Hence by one who has not studied the Sâmaveda, the Gâyatrî or the like alone might be meditatively repeated.

Meditative repetition of Pavitra Mantras.

Meditative repetition of Sâvitrî and Pavitra Mantras always

Raurava-Yaudhâ also Mantras purifying one.

Although after stating, "Adoration to him who creates self-consciousness, who creates ignorance *etc.*" (III. viii. 12), it has been stated (by GAUTAMA,) that "these very (Mantras are to be used for) making burnt 35 offering of ghee" (III. viii. 14), (yet) even that is not to restrict (that) those very ones should be used. For, on the other hand, in (the text) "Burnt offerings shall be made by one's own self to the recital of the Mahâvyâhṛitis every day," burnt offerings to the (recital of the) Mahâvyâhṛitis 40 have been ordained by MANU.

Burnt offerings to the recital of Mahâvyâhṛitis.

(*k*) VASIṢṬHA XXVII. 11.

(*kk*) VIJÑÂNEŚVARA points out that these are Sâmans.

Similarly, it has been stated in the Ṣaṭtriṃśanmata thus: "If anything such as meditative repetition (of the several Mantras), making burnt offerings, etc. that have been laid down in (connection with) Kṛichchhra are not possible (to be discharged), all (such) might be finished to the (recital of) Vyâhṛitis, Gâyatrî, and Praṇava." As the term *âdi* ('etc.') is used, (offering of) water libation, (performing the) ceremony (of) attending on the Sun-god, and the like are to be understood. It is with this very view that VAIŚAMPÂYANA (says), "Having bathed, one shall, with his folded Añjali, perform the attending obeisance to the Sun-god, with the (Mantras) sacred to the Sun."

Meditative repetition of Gâyatrî, Vyâhṛitis, and Praṇava if no other Mantra is possible.

Attending obeisance to the Sun-god.

In the same way even with regard to the other (texts) conflicting (with one another) in letter or in spirit, it should be recognized (that they are as many) alternatives. And with (regard to) such as are not conflicting (with one another), (it should be understood that they are) to be taken conjointly. For just as (it is) a law that (an act becomes permissible when it takes its) origin in (the teachings of) any other branch (of the Veda), (even so) religious deeds (laid down) by any Smṛiti text (comes) to be accepted.

Particulars with regard to the number of the meditative repetition (of the Mantras) have been laid down by that very (authority): "Riṣabha, Viraja also, and likewise even Aghamarṣaṇa, or the blessed Gâyatrî, which is most sacred and the mother of the Veda, one shall meditatively repeat one hundred (times), or even one hundred and eight (times), or one thousand (times), or even more, in a low voice or even mentally. He shall please the manes and the gods (with offerings), men even, and living beings, by making obeisance with (his bowed) head next."

The number of meditative repetition 100, 108, 1,000, or more.

878. Similarly even the food morsels he shall severally sanctify with the Gâyatrî (Mantra). To the same effect a special (rule) has been laid down by YAMA also, "And taking the food morsel by the tips of his fingers, he shall sanctify it by (reciting) the Gâyatrî, and having swallowed it, he shall sip Âchamana water, and shall, again, sanctify even the next morsel." And thus, it is pointed out that with the sanctifying Mantras "Om bhuḥ, bhuvaḥ, svaḥ, *etc.*" laid down by GAUTAMA, this (Gâyatrî) forms an alternative. And again, the sanctifying, which has been ordained, of the Havis to the (recital of the Mantras), *Âpyâyasva etc.*, *Sante payâṃsi etc.*, and the like before it is made into morsels, also comes in in addition, that being a different act (altogether).

He shall severally sanctify the food morsels with the Gâyatrî.

Or with 'Om bhurbhuvaḥ-svaḥ.'

Preliminary sanctifying of the Havis also.

879. And when these Krichchhras and the like vows are observed for the purposes of penance, then they are to be taken duly after shaving off the hair etc. For says the text of GAUTAMA, "(The hair must be) shaved off if (it is performed as) a vow (of penance)" (III. ix. 3). But if (they are performed) for the purposes for superior elevation, there is no shaving whatever. 5

Preliminary shaving also if Krichchhras etc. are performed as penances.

But by VASIṢṬHA (certain) particular (rules) have been laid down in this (connection): "(In the case) of Krichchhras being performed as penances, beard, hair on the head, etc. are to be shaved off, leaving out the hair on the belly and the Śikhâs." (In the text) "(In the case) of Krichchhras being performed as penances *etc.*" (*l*), the ellipsis, "the shaving and the like auxiliary duties (which are to be observed) as parts of the vows (of penance) will be laid down," (is to be supplied). 10 15

Hair on the crown and belly should not be shaved.

The taking of the vow (of penance) duly, as directed by Parṣat, shall be done at the evening time on the day previous to the day (of beginning) to perform the penance. Thus says VASIṢṬHA: "I (now) describe the due taking, with the rules, of all the vows (of penance) when it is desired to perform the penance in (the case of) all sins. When the day is closing he shall shave off his nails, hair, etc. and take a bath, as it is laid down, with ashes, cow-dung, earth, water, Pañchagavyas, etc. He shall remove the (bodily) filth having first cleansed his teeth so that the external purity might be attained. With the taking of Pañchagavya, he shall, at the nightfall, duly take the vow (of penance), outside, when the stars appear, he shall then sip Âchamana (water), and thenceforward remain perfectly silent reflecting over his sin, or at least feel a piercing remorse that tortures his mind." 20 25 30

The taking of the vow of penance on the evening preceding the day on which it is to begin.

Shaving, bathing, and taking Pañchagavya.

Taking the vow outside the village.

"Outside" (in this passage means) 'having gone outside the village.' Even (in the case) of women the due accepting of the vow (of penance) should be done in exactly the same way, but there is no shaving off of the hair on the head, the hair on the face, and the hair on the (other parts of the) body, and the (paring of) nails. For says the text of BAUDHÂYANA: "This very (course is prescribed with regard) to a woman, excepting the shaving off of the hair, in (the matter of) ChâNdrâyaṇa and the like." 35

Similar procedure in the case of women but no shaving.

880. But (with regard) to him who does not like to have his hair shaved off, a special (rule) has been stated by HÂRÎTA: "If (the expiator 40

(*l*) S. omits *Vratarûpâṇâṃ* after *Krichchhrâṇâṃ*.

is) a king, or a king's son, or a Brâhmaṇa who has much knowledge in him, he might retain his hair and perform the penance. But, such (a one) shall, for having preserved his hair, perform twice the (prescribed amount of) penance. And when (that) twice the vow (of penance) is observed, the gifts (that are to be made also) become double."

Double the penance in a case a king etc. might retain his hair.

And this should be understood (to have been laid down) with reference to excessive sins such as of mortal sins etc. For says the text (of a Smṛiti) (*m*): "(In the case) of learned Brâhmaṇas, kings, and women, the shaving off of the hair is not ordained, (and also) with reference to the vow (of penance) of a mortal sinner, of a cow-slaughterer, or of an Avakîrṇin."

The above with reference to excessive sins.

881. A special (rule) has been laid down by JÂBÂLA also in this (connection): "At the beginning of all the Kṛichchhras and particularly when they end, one shall in the Gṛihya Fire itself make burnt offerings (reciting) Vyâhṛitis severally, with ghee (*n*) alone. But when the vow (of penance) ends he shall perform a Śrâddha and make gifts of cow and gold." A special (rule) has been laid down by YAMA also in this connection: "Repentance, refraining (from doing such acts again), bathing, and likewise proclaiming (the deed he has committed) are laid down to be parts (of the vows) in the case of all (observances) occasioned (by sins)." Similarly (there is this): "Anointing the body, anointing the head, (chewing) betel leaves, and besmearing the body (with sandal pastes), all (this) he who is observing a vow shall avoid and likewise anything else that excites force or passion." The multitude of this and the like observances are to be found out from other Smṛitis.

Offerings of ghee at the beginning and the end, and Srâddha and gifts at the end.

Repentance, refraining from such acts again, etc. necessary.

Anointing, betel leaves, sandal pastes, etc. to be avoided.

882. Thus, having duly taken a vow according to these rules, one shall necessarily carry it to the end. Or else there is (the sin of) violating (the rule). For says the text of CHHÂGALEYA, "But having once taken a vow (of observance) he who, charged with self-will, does not carry it through, becomes a Chaṇḍâla while alive, and is even born a dog after death." Now, enough of dilation.

Strict necessity of carrying to the end the vow taken or he becomes a Chaṇḍâla.

SECTION LI.—OTHER APPLICATIONS OF THESE PENANCES.

883. Having thus described the characteristic features of Chândrâyaṇa and the like the application of which has been laid down, (the

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(*m*) N. says this is the text of MANU.

(*n*) N. has *annena*, with boiled rice.

sage), as the occasion suggests, lays down its application with regard to **other matters also :**

And in the case of sins for which penances have not been laid down, the purification is by (performing) Chândrâyaṇa. 5

CCCXXVII. And he who performs this too for the purposes of Dharma attains the world of the Moon-god.

Âdiṣṭa (is) penance (so called) because *âdiśyate*, it is laid down. In (the case of) those sins for which no (separate) penance has been laid down, the purification is by (performing) the Chândrâyaṇa. Because of the word *cha* ('too') (in the text, it is inferred that) the purification is through Prâjâpatya etc. Krichchhras, together with Aindavas or without them. Just so has it been said in the Ṣaṭtriṃśanmata : "Whatever the sins are, greater than what can be (called) great, (they) are destroyed by Krichchhra, Atikrichchhra, and Chândrâyaṇa, (and so) has MANU said." Thus a combination of (all) the three has been pointed out. But by UŚANAS, a combination of (only) two has been thus pointed out : "In the case of Duritas, Duriṣṭas, and even sins (of a) mortal nature, a Krichchhra as well as a Chândrâyaṇa are destroying of all sin." Durita is a minor sin, and Duriṣṭa a Pâtaka (' a sin causing degradation from caste'). But by GAUTAMA by saying, "(These,) namely, (a combination of these two,) Krichchhra and Atikrichchhra, and the Chândrâyaṇa (form) the penance (in the case) of all sins" (III. i. 20), with a break in the compound, it is pointed out that Krichchhra and Atikrichchhra need no association with Chândrâyaṇa. The (performance) of mere Prâjâpatya unassociated (with anything else) has been laid down in the Chaturviṃśatimata : "When the sin is light, and no penance (for it) has been laid down, one shall perform a Prâjâpatya." Also by GAUTAMA the independent effect of Prâjâpatya and the rest has been pointed out thus : "Having performed the first, (that is, Prâjâpatya), one becomes free from the sin (of having neglected the ordained duties), pure from the sin (of having committed the forbidden deeds), and fit to perform the (religious) duties (III. viii. 21). Having performed the second, (that is, Atikrichchhra), whatever sin other than mortal sins one commits, he becomes purified therefrom (III. viii. 22). (And) having performed the third, (that is, Krichchhra-Atikrichchhra), one is freed from sins of all sorts" (III. viii. 23). Thus it is expressed (by him that he is purified) even from mortal sins,

Krichchhra and Chândrâyaṇa where no penances have been laid down.

Krichchhra, Atikrichchhra, and Chândrâyaṇas destroy all sorts of sin.

Prâjâpatya removes a light sin for which no penance is ordained.

Prâjâpatya removes the sin of omitting the ordained duties and committing forbidden ones.

Atikrichchhra removes all sins short of mortal sins.

Krichchhra-Atikrichchhra removes sins of all sorts.

884. MANU also has: "This is the Kṛichchhra known as **Parâka** which is capable of driving away all the sin" (XI. 215). HÂRÎTA too has thus: "The (penance) Chândrâyaṇa, (the vow of subsisting on) barley-gruel, (the performing of) Tulâpuruṣa (penance) even, and the following of the cows are destroying of all sins." Similarly (there is this): "Cow's urine, cow-dung, (cow's) milk, (cow's) curds, (cow's) ghee, water in which Kuśa grass (is boiled), and fasting for one (day and) night—(these) purify even him who boils (the flesh of) dog (for his food)." Similarly after prefacing the topic with Tapta Kṛichchhra too, it has been stated by that very (authority) thus: "This (form of) Kṛichchhra, when twice repeated, frees one from all sins causing degradation (from caste), and when thrice repeated, according to true mode, drives away (the sin of) slaying a Śûdra." And it has been stated by UŚANAS also: "Wherever (a penance for) destroying any sort of sin (*nn*) is laid down or is not laid down, that sin is destroyed by a Prâjâpatya Kṛichchhra, and there is no doubt about it." These (penances) the Prâjâpatya and the rest should be prescribed in (cases of) minor sins etc., for which a (separate) penance has not been laid down, severally or conjointly according as (the act is committed) once, repeatedly, etc. (*o*).

Parâka drives all sins.

So does Chândrâyana, Tulâpuruṣa, or the like.

Pañchagavya purifies even a Svapacha.

Tapta Kṛichchhra purifies one from degradation (from caste); twice that from the sin of Sûdra-slaughter.

Prâjâpatya can destroy a mortal sin.

These to be prescribed where no penance is laid down.

885. Similarly even in (the case of) mortal sins and the like, although (separate) penances have been laid down for (committing them), (these penances) might (yet) be prescribed in those (cases) considering the repeated etc. (nature of their being committed). It is verily therefore that YAMA says, "Wherever (a penance) is laid down *etc.*" Even by GAUTAMA (the word) 'Sarvaprâyaśchitta' ('penance for all sins') is employed for the purpose of combining in brief all the penances that have been stated. Similarly after stating, "Having performed the second, (that is, Atikṛichchhra), whatever sins other than mortal sins one commits, he becomes purified therefrom," even that which has been laid down by that very (authority), as, "(And) having performed the third, (that is, Kṛichchhra-Atikṛichchhra), one is freed from sins of all sorts," is intended to (refer to) mortal sins, and not intended to (refer to) trifling sins. Nor can it be possible that there can be a mortal sin without having a penance laid down for it and, therefore, (it must be taken

Authorities to the above fact.

Prâjâpatya etc. may be prescribed for a mortal sinner.

(*nn*) The reading adopted here is *sarvapâtaka*. *Mahâpâtaka* is another reading, which of course means a mortal sin, but the first reading suits better the interpretation of VIJÑÂNEŚVARA.

(*o*) N. omits *âdi*, etc.

that) although penances have been laid down for them, the Prâjâpatya etc. (penances) might (yet) be prescribed in (those cases).

886. With regard to those (penances laid down for mortal sins), taking the case of the vow (of penance) (lasting) for twelve years, and fixing that one Prâjâpatya is (a substitute) for every twelve days (of that penance), and calculating (by the rule of three) three hundred and sixty Prâjâpatyas come to be performed as an alternative (for the penance) lasting for twelve years. Or in (case of) inability to perform (even) that (alternative penance), so many cows might (as well) be made over in gift; and (if even) that (becomes) impossible three hundred and sixty Niṣkas might be made over in gift. Thus runs (the text of) another Smṛiti: "In (case of) inability to perform a Prâjâpatya, a wise man shall make over a cow in gift. And when a cow cannot be had, the value (thereof) might, without any hesitation, be made over (in gift)." (That is to say,) he might make over (in gift, even half her prescribed value) or one Niṣka, or half of (even) the latter according to his ability. For says the text (of a Smṛiti), "When there is no cow (to be made over in gift), one Niṣka would do, or half of it, or even a fourth part of it." In case of inability to make over (in gift) even the value (of cows), he might for so many days stand in water; or in (case of) inability even to do so, the meditative repetition of Gâyatrî to the extent of thirty-six hundred thousand might be performed. For, says the text of PARÂŚARA, "A Krichchhra, (a meditative repetition) of Gâyatrî ten thousand (times), standing in water for one day likewise, making the gift of a cow to a Brâhmaṇa, all these four are equal in merit."

360 Prâjâpatyas equivalent to a twelve years' penance.

Gift of as many cows in case of inability.

ift of as many Niṣkas if cows cannot be had.

Half or even one-fourth as many Niṣkas at least shall be made over in gift.

Standing in water for one day or meditative repetition of 10,000 Gâyatrîs equal to a Prâjâpatya in case of inability.

But (there is this) which is stated in the Ṣaṭtriṃśanmata: "But he who would meditatively repeat Gâyatrî ten million (times), frees (himself from) the sin of slaying a Brâhmaṇa, while he who repeats it eight million (times) is freed from the sin of drinking Surâ. Seven million (meditative repetition) of Gâyatrî purifies a thief of (Brâhmaṇa's) gold, and by six million (meditative repetition) of Gâyatrî he who violates the bed of (his) Guru is freed (from that sin)." And that is laid down as being equal to a twelve years' penance and does not refer to the case of the unable, and, therefore, there is no contradiction. In the same way even the other substitutes (laid down by), "A Krichchhra, (a meditative repetition of) ten thousand of the blessed (Gâyatrî) even, two hundred Prâṇâyâmas, (making of) one thousand burnt offerings of sesamum, and the recital of the Veda likewise," and the like (texts) occurring in the Śâstras such as the Ṣaṭtriṃśanmata and the like, are, when

Able persons shall meditatively repeat Gâyatrî more.

200 Prâṇâyâmas, or 1,000 burnt offerings of sesamum, or the recital of the Veda equal to one Prâjâpatya.

multiplied by three hundred and sixty, to be understood (to hold good) in (the case of) mortal sins.

886. In the case of heinous sins two hundred and seventy Prâjâpatyas should be performed, or as many milch-cows and the like are substitutes, while in the case of Pâtakas one hundred and eighty Prâjâpatyas (should be performed), or the substitutes are the (gift of) an exact number of milch-cows and the like. Thus has it been stated in the Ṣaṭtriṃśanmata : "Ever since the birth, having committed sins, many and various but falling short of a Brâhmaṇa-slaying, one shall perform the vow (of penance) for six years. As a substitute, one hundred and eighty cows might be made over in gift by a rich man, or (if he is) a learned man he might meditatively repeat eighteen hundred thousand (times) the Gâyatrî."

270 Prâjâpatyas for heinous sins ; 180 for ordinary sins.

Gift of cows or meditative repetition of Gâyatrî adequately would also do.

This very (text serves as) an indication that with reference to the vow (of penance) lasting for twelve years, one Prâjâpatya might be fixed for every twelve days. In the same way for minor sins which form the subject of a three years' penance, ninety Prâjâpatyas (are to be fixed) (or) the same number of (cows etc. as) substitutes. Next, for sins requisitioning a three months' penance seven Prâjâpatyas and a half (are to be fixed), and also the substitutes (the making over in gift of) milch-cows and remaining in water, etc. are exactly the same number. Also in the case of the vow (of penance) for one month, two Prâjâpatyas and a half (shall be fixed), or even the substitute is that very number. For minor sins, on the other hand, which form the subject of a Chândrâyaṇa (penance), three Prâjâpatyas (are to be fixed), and (in the case) of one who is unable (to do so), the substitute also is thus very much.

90 Prâjâpatyas or a proper substitute for minor sins.

Seven and a half Prâjâpatyas for three months' penance.

Two and a half for one month's.

Next, (there is this) which is laid down in the Chaturviṃśanmata, "In (case of) prescribing a substitute for a Chândrâyaṇa, eight shall always be prescribed," and that does also refer to (the case of) substitutes for Pipîlikâmadhya etc. Chândrâyaṇas with regard to the rich. But in (the case of) minor sins forming the subject of an Atikṛichchhra (lasting) for one month, seven Prâjâpatyas and a half (shall be prescribed) and also the substitutes, the milch-cows etc., of the same number. For it is stated in the Chaturviṃśanmata thus: "And in (the case of) a Prâjâpatya one cow shall be made over in gift, two in (the case of) a Sântapana, and in (the case of a) Parâka and a Tapta (Kṛichchhra) and an Atikṛichchhra, three and three." And this should

Seven Prâjâpatyas and a half in place of an Atikṛichchhra.

Two cows in place of one Sântapana, and three in place of a Parâka and Tapta Kṛichchhra.

be understood to refer to (the case of) partaking of one morsel of food every (day) of the size of a gooseberry as (laid down in the text), "One and one morsel he shall partake of *etc.*" But in the case of partaking of a handful of food, a couple itself of cows (need be made over in gift), for the Prâjâpatya is equivalent to 5 fasting for six days, and Atikṛichchhra, (to) double of that. Of course partaking of an only handful of food (a day) continues for nine days, and, nevertheless, as (that penance) is to be performed continuously for twelve days, an excessive torture (of the body) results, and (therefore 10 it) becomes equal to a pair alone of Prâjâpatya, which is equivalent to fasting for six days.

Prâjâpatya equal to fasting for six days and Atikṛichchhra for twelve.

And it is but natural that Prâjâpatya is equivalent to fasting for six days. For, (it is) thus: During the first three days three evening meals being precluded, one 15 (complete day) fasting has been accomplished (in effect); during the second (period of) three days, the preclusion of the three morning meals (is accomplishing) of another; and similarly, during the days of (subsisting on) food (given) unasked, three evening meals being given up, (it is accomplishing) of another, and thus 20 in (the course of) nine days, three (complete day) fastings (have been achieved in effect). And again during the last three days also, (there are) three (complete day) fastings, and, therefore, it is but natural that it should be equal to six (complete day) fastings.

Eating of one meal a day for three days constitutes one day's complete fast in effect.

887. Next, in the case of the vow (of penance) for cow-slaughter 25 consisting of a three (days and) nights' fast along with the gift of (ten) cows (with a) bull (forming the) eleventh, eleven Prâjâpatyas and a half (might be prescribed) and the substitutes of remaining in water etc., should consist of the same number

Eleven Prâjâpatyas and a half or substitutes for cow-slaughter.

30

And to the vow of (subsisting on) milk for one month, two Prâjâpatyas and a half (are equivalent). But in (place of) the vow (of penance) for minor sins which consists of one Parâka, three Prâjâpatyas shall be performed, and in place of a Parâka, Tapta Kṛichchhra, 35 and Atikṛichchhra, three Kṛichchhras. For it is stated in the Ṣaṭtriṃśanmata, "Or in (case of) inability one and a half times Sântapana shall be performed."

Subsisting on milk for one month equal to two Prâjâpatyas and a half.

And a Châdrâyaṇa, a Parâka, a Kṛichchhra, and an Atikṛichchhra (put together) forthree Prâjâpatyas (in effect), 40 and, (therefore), in place of the vow (of penance) lasting for twelve years one hundred and twenty (of them) in number should be performed. Also the substitutes thereof, cows etc., (are) three times (that number). In

Châdrâyaṇa, Parâka, Kṛichchhra and Atikṛichchhra are together equal to three Prâjâpatyas.

the case of heinous sins, the Châṇdrâyaṇa and the other (three) are ninety in number. In (case of sins) equal thereto and denominated by the word Pâtaka, (they are) sixty in number. In (the case of) minor sins forming the subject of three years' vow (of penance), (they are) thirty in number.

In place of the vow (of penance) for cow-slaughter lasting for three months, as there are very many observances, bathing in the cow's urine and so forth, three (of the above group of) Châṇdrâyaṇa etc. (should be performed). 5

But in (the case of) the vow (of penance) lasting for one month, laid down by the lord of Yogins, only one, (that is,) Châṇdrâyaṇa, (need be performed), while the substitute of (the gift of) cow, remaining in water, etc. arethrice alone in all the cases. 10

In (the case of) miscellaneous (sins), on the other hand, commensurate with (the extent of the sin, as can be gathered from an express) prescribing of the penance in each (case), a Prâjâpatya should be prescribed by determining of a fourth part etc. (of the original penance wherever necessary according to the condition of the expiator). In the (case of) repetition (of the sin), on the other hand, a Châṇdrâyaṇa or the like (need be prescribed). Thus, following this hint a determination (of the penance) should be done even in other cases. 15 20

Châṇdrâyaṇa etc. in case of repetition of the sin.

888. Next, (there is the text) which is laid down by BṚIHASPATI, "Ever since the birth (of one's own self) whatever (sin), whether a Pâtaka (so called) or a minor sin, (one commits), so long shall he repeat the Kṛichchhra as (it becomes) sixty times," (but) that refers to the same case as the two years' penance laid down by GAUTAMA as, "(For adultery) with another's wife, two years," (p) (III. iv. 29), or to the (case of) repetition of a minor sin forming the subject of a three months' penance, etc., or (it might) refer to the (case of) approaching a Châṇḍâla etc. woman, (a sin) connoted by the word 'Pâtaka,' (when the act is) repeated twice. In that (case) as (the text says), "(The performing of) Kṛichchhra (for one) year is laid down (if the act is committed) consciously, and if unconsciously, two Aindavas," (the performing of) Kṛichchhra for one year being laid down for a conscious approaching (of her but) once, it is but proper that, in (case of) repetition of it, sixty Kṛichchhras, equivalent to a two years' (performance of the penance), should be laid down. (There is this) which (is) stated by SUMANTU: "Even that sin which is voluntarily repeated more than once (and is) excessive, is destroyed by the (performance of) Kṛichchhra for one year, (if it is) other than a mortal sin," even that does refer to the (case of) repetition of minor sins and the like. 25 30 35 40

Sixty Kṛichchhras for adultery with another's wife and the like sins committed ever since one was born.

Or it refers to a double repetition of knowing a Châṇḍâla woman carnally.

One year's Kṛichchhra removes even voluntary repetition of minor sins.

(p) S. adds *triṇi śrotriyaścha*, and that however is not necessary to the present topic.

Or it refers to a (case of) repetition of the Pâtaka, forming the subject of a double Aindava, as is likewise stated by YAMA, "And if (it is committed) unconsciously, two Aindavas (shall be performed)."

Feeding Brâhmaṇas for as many days as the penance lasts is another substitute.

But he who is unable to (perform) the penance but owns large quantities of grain, should accomplish (in effect) the Kṛichchhra etc. penances by presenting food to the Brâhmaṇas of meritorious qualities. For (says) the text of another Smṛiti thus: "He who is feeble in strength for (the performing of) the penance shall (for) every day (of the duration of the penance) feed the Brâhmaṇas of meritorious qualities, five in (place of) a Kṛichchhra; thrice (that number) in (place of) an Atikṛichchhra; thirty likewise in (place of that) (which is) thus the third (Kṛichchhra); and forty in (place of) a Tapta (Kṛichchhra) also. In (place of) a Parâka it is reckoned as twenty multiplied by three; in (place of) a Kṛichchhra called Sântapana it is twenty and six, and in (place of) a Chândrâyaṇa, it is that very (twenty-six) lessened by two." (The expression) '(for) every day (of the duration of the penance)' is to be syntactically connected with each (clause), and the "third (Kṛichchra)" (means) Kṛichchhra-Atikṛichchhra. Here according to calculation of the number of days (occupied) by a Prâjâpatya (Kṛichchhra), the feeding of sixty learned Brâhmaṇas results.

The number of Brâhmaṇas a day in case of various penances.

But (there is this) which is laid down in the Chaturviṃśatimata, "Either twelve Brâhmaṇas should be fed, or likewise a Pâvakeṣṭi (shall be performed), or even some other thing that purifies him, (attempted). The learned say that these are equal (in merits)." Thus in (place of) a Prâjâpatya, the feeding of twelve Brâhmaṇas has been laid down, but that does refer to (the case of) him who has no wealth. (There is) also this substitute which is laid down there alone for a Chândrâyaṇa too: "A Chândrâyaṇa, a Mṛigareṣṭi, a Pavitreṣṭi likewise, offering of a Paśu, even the Mitravinda (rite), and Kṛichchhra (practised) for three months likewise, (shall be performed) where (it is not possible) (to perform) the compulsory (religious) deeds as well as those occasioned (by special circumstances) and also of (religious) deeds (to be performed) with a desire. And when the Iṣṭis necessitating a Paśu-sacrifice are not possible it is declared (that) Charus (shall) be offered;" but that does (refer) to (him who is) unable to (perform) a Chândrâyaṇa. And even the eight Kṛichchhras which are laid down as a substitute in (the text), "Kṛichchhra (practised) for three months likewise," refer to the (case of the) decrepit and the senseless. We shall (now) take up the (thread of the) topic on hand.

Chândrâyaṇa, Mṛigâreṣṭi, etc. where it is not possible to perform compulsory religious duties.

8 Kṛichchhras in case of the decrepit and the senseless.

889. And he who, being desirous of high prosperity does perform this Chândrâyaṇa for the purpose of Dharma, Artha, and (also) for the purpose of fulfilling that injunction (though laid down as performable) with a desire, and not for the purposes of a penance, attains the world of the Moon-god, (which is) a form of heaven. And this is said with reference to its being repeated for one year. For says the text of GAUTAMA: "Having performed one Chândrâyaṇa, one becomes free from the sin (of not doing what is ordained), free from the sin (of doing what is prohibited), and destroys all sin (III. ix. 16). Having performed a second one (in immediate continuation of the first) he sanctifies (his) ten ancestors, (his) ten successors, and his own self as the twenty-first, and also the row of persons dining with him (III. ix. 17). And having performed it (continuously) for one year, he attains the world of the Moon-god" (III. ix. 18).

He who performs Chândrâyaṇa for one year for the purposes of Dharma etc. attains the world of the Moon-god.

The first destroys sin, and the second performed immediately following purifies him and his ancestors and successors.

890. And next:

And he who performs Kṛichchhra with a desire for Dharma attains immense splendour

CCCXXVIII. Just as he who, with perfect attention, (performs them), the merits of the high sacrifices.

Whoever, being desirous of high prosperity, performs the Prâjâpatya etc. penances, he enjoys splendour, (that is,) affluence (which is) immense, (that is,) characterized by sovereignty and the like. Just as the performer of high sacrifices, Râjasûya etc., obtains the reward thereof, (that is to say,) the great reward of the nature of sovereignty in heaven and so on, so, even he (attains the best reward) having performed it with perfect attention, (that is,) so that none of the details forming its parts is omitted. The mentioning of the illustration of the sacrifice is thus to point out the splendid nature of the reward.

He who performs Kṛichchhra for the purposes of Dharma attains splendour.

By (the use of) this (expression, namely,) "With perfect attention" (the sage) lays down that the Śâstraic injunction should be followed without a blemish, and points out that (when it is performed) as a (religious deed) with a desired object, the reward cannot be attained if (any) part (of it) is omitted. Hence as, as in the case of penances, the performance of as much portion of it as is possible is not itself recognized in this case, the employment of substitutes (for those vows) is *a fortiori* discarded. And in the (case of) repetition

The Śâstraic injunction should be followed without a blemish.

No reward if any part is omitted.

No substitutes recognized in the case of Dharma.

of Krichchhras etc. then, the repetition of the reward for the doer occurring according to the law, "With regard to a religious deed, as it is to turn out with the very performing of it *etc.*" (q) is there of course, and thus it is not foreign to the intention (of the sage).

SECTION LII.—CONCLUSION. 5

891. By way of winding up all the topics (the sage) to establish, along with an Arthavâda, that the Dharmaśâstras should be retained in memory, says (thus) in the form of a praying solicitation and the granting of the boon:

Having listened to these Dharmas expounded by YAJNAVALKYA, the sages 10

CCCXXIX. Spoke thus to (that) eminent personage, the lord of Yogins, full of immense vitality:

The six kinds of Dharma have been thus established.

The listening sages enjoyed excessive joy.

Here the six kinds of Dharmas singled out as (those pertaining to the) Varṇas, Âśramas, etc. have indeed been established; and having listened to all of them expounded by the lord of Yogins, the sages, their eyes blooming with excessive joy, said thus, (that is,) as will be just said, to him who was full of the quality of eminence and who enjoyed the high prosperity of inconceivable power. 02

892. Whoever, without being negligent, retain this Dharmaśâstra in memory

CCCXXX. They having obtained renown in this world pass to heaven.

May he who desires learning (acquire) learning, and may he who desires wealth (acquire) wealth likewise; 25

(q) JAIMINI XI. i. 20. The question whether the performance of a deed which has a desired object is to be done only once even though one desires more and more merit or if it might be repeated more than once. JAIMINI in this Sûtra lays down the conclusion: "With regard to a religious deed, as it is to turn out with the very performing of it, the reward results with each performing it as in the case of agriculture." The argument for the objection is, that with regard to the Chitrâ (rite) which is laid down by "He who desires to possess cattle shall perform a Chitrâ sacrifice," Chitrâ and the like acts are to be performed only once, for with a single doing of it, he acquires cattle etc. he desires. It is as Prayâja and the like parts of a sacrifice are performed only once. The argument for the reply is, the example is not suited. When an act forms part of a certain means, then only it should be performed once. But here a man desires again and again, heaven, riches in the form of cattle, etc. Therefore, the act should be repeated accordingly.

CCCXXXI. May he who desires longevity of life (possess) a long life exactly so, and may he who desires splendour (obtain) abundance of splendour.

Whoever, at a Śrâddha, makes (the Brâhmaṇas) hear three verses at least out of this, 5

CCCXXXII. May to his ancestral manes endless gratification come, and (there be) no doubt about it.

May a Brâhmaṇa attain fitness (of being a worthy recipient of gift), may a Kṣatriya become successful (in all his undertakings), 10

CCCXXXIII. And may a Vaiśya (become) a master of grains and wealth by retaining this Śâstra in memory.

Thus by (means of) these verses, the meaning of which is easily understood, SÂMAŚRAVAS and the like (sages) solicited him in a praying manner. 15

(He now) mentions another prayer also ;

Whoever, being learned, would make the twice-born (persons) listen to this at every Parvaṇ,

CCCXXXIV. May the merit of a horse-sacrifice (come) to him. May your worthy self grant that. 20

He who expounds this to others obtains the merit of a horse-sacrifice.

It is an Arthavâda relating to the rule of expounding it, that he who makes the twice-born (persons) listen to this Dharmaśâstra at every Parvaṇ becomes entitled to the merit of a horse-sacrifice. (The sages said) may your worthy self grant in all cases the sub- 25 stance of our solicitations.

(He now) speaks of granting of the boon :

Having listened to it thus spoken by the sages, YAJNAVALKYA also, being pleased at heart,

CCCXXXV. Did indeed say, 'May it be so' hav- 30 ing bowed to SVAYAMBHU.

YÂJÑAVALKYA grants the sage's boon.

Having listened to it, (namely,) what was spoken by the sages, even the lord of Yogins, his lotus-like face blooming at the solicitations of the merits for retaining in memory etc. of the Dharmaśâstra expounded by himself, having bowed, 35 (that is,) making obeisance, to SVAYAMBHÛ, (that is

to say,) BRAHMAN, did indeed, that blessed personage, say 'All that your good selves solicit, may it be so.'

Thus ends the third book on Prâyaśchitta in the Ṛiju-Mitâkṣarâ, an Interpretation of the Dharmaśâstra of YÂJÑAVALKYA, a work of VIJÑANEŚVARA BHATTÂRAKA, a blessed Sannyâsin (of the order of) Paramahamsa, the son of the blessed PADMANÂBHA BHATTOPADHYÂYA, born of (the Gotra of) BHARADVÂJA. 5

Now contents of (r) this (book) will be given :

1. There the first is the Chapter on Impurity.
2. The Distress Rules. 10
3. On the Hermits.
4. On the Functions of Ascetics.
5. Then the Chapter on Penances and first there is the Ripening Results of Actions.
6. The Enumeration of the (Causes) Occasioning (Penance), the Mortal Sins, etc. 15
7. Penances for Mortal Sins along with the extension thereof.
8. The Penances for Minor Sins.
9. The Topic of Penances for Miscellaneous Sins.
10. The Rules of Abandoning a Patita. 20
11. The (Mode) of Duly Accepting the Vows (of Penance).
12. The Topic on the Secret Penances.
13. The Nature of Kṛichchhras etc.

These are the Topics.

This Interpretation (s) of the Dharmśâstra, (is) the work of VIJÑÂNEŚVARA, a Yogin, and a disciple of UTTAMÂTMAN (t). 25
1.

Thus ends the Interpretation of the Śâstra of the sage YÂJÑAVALKYA, and to which learned man will it not be acceptable? Though extremely concise in words, it is extensive in meaning and sprinkles immortal (knowledge) round the ears.
2. 30

This Interpretation (called the) Mitâkṣarâ is set by me in words, deep (in thought) and clear (in meaning), and extensive in import, and small (in number).
3.

(r) S. has Table of Chapters.

(s) Another reading *Kṛitsnasya*, complete. In which case it means work on entire Dharmaśâstra.

(t) It is hard to do full proper justice to the passage *Uttamopapadasya eyaṃ śiṣyasya kritiḥ âtmanâḥ*. If *Upapada* means a prefix, then his Guru's name must be UTTAMÂTMAN. If it means title, then it means, a disciple of one, who deserves to be styled best, and *âtmanaḥ* will have to be dragged further. This however requires a careful study.

This Mitâkṣarâ (of) that (description) which is composed by VIJÑÂNEŚVARA, easily intelligible, is twelve thousand in number according to the calculation of the Grantha. 4.

There was not, is (not), or will (not) be on the surface of the earth a city resembling Kalyâṇa, and a king who can be compared to the blessed VIKRAMÂRKA was neither seen nor even heard of. What is more the learned VIJÑÂNEŚVARA is too (high) for any other comparison, and may this trio, resembling the wish-yielding creeper (of heaven), stand permanent as long as the Kalpa lasts. 5.

The creator of the Vâks ('damsels of speech; speech') possessing a charming body to the extent of causing wonder to the learned; the giver of Artha ('wealth; meaning'), abounding in excellence at the asking of the groups of Arthins ('beggars; investigators of the meaning'); he who meditates upon the Entity of the Vanquisher of (the demon) MURA ('VIṢṆU'); the conqueror of the Aris ('enemies; anger etc.') brothers to the body; and the lord of Real Knowledge and knowledge of arts and sciences; (may such VIJÑÂNEŚVARA) florish till the sun and moon exist. 6.

May the blessed (King) VIKRAMÂDITYA protect, as long as the moon and the stars last, all this world extending to the bridge of (RÂMA, the prominent) face-mark of the line of the RAGHUS, to the (Himalayas, the) overlord of the mountains, to the western sea containing the high surging waves with various aquatic animals moving within them, and also to the eastern sea, having his feet covered with splendour by the brilliance of the head gems of the bowing rulers. 7.

If the organs of the body turn inwards, what more austerity is there beyond that, and if the organs of the body do not turn inwards, (of) what (use) is then of the austerity? And, if within and without, there is HARI what more austerity is there beyond that, and if within and without, there is no HARI (of) what (use) is then of the austerity? 8

THE END

THE SCHEME OF TRANSLITERATION.

We have followed the scheme given below in transcribing Sanskrit words into English. And we request all our colleagues to kindly follow it in their writings.

अ	a	ञ	ñ
आ	â	ट	ṭ
इ	i	ठ	ṭh
ई	î	ड	ḍ
उ	u	ढ	ḍh
ऊ	û	ण	ṇ
ऋ	ṛi	त	t
ॠ	ṛî	थ	th
ऌ	ḷi	द	d
ए	e	ध	dh
ऐ	ai	न	n
ओ	o	प	p
औ	au	फ	ph
ं	ṃ	ब	b
ः	ḥ	भ	bh
क	k	म	m
ख	kh	य	y
ग	g	र	r
घ	gh	ल	l
ङ	ṅ	व	v
च	ch	श	ś
छ	chh	ष	ṣ
ज	j	स	s
झ	jh	ह	h